

Appendix U
Public Meeting Transcripts

"I hereby certify that [name of entity] has taken reasonable steps to confirm that the performers in the visual depictions listed below are not minors."

(6) If applicable, a list of the titles, names, or other identifying information of the foreign-produced visual depictions (or matter containing them) of simulated sexually explicit conduct for whom records of the performers appearing in them are not available but for whom the certifying entity has taken reasonable steps to confirm that the performers in them are not minors.

(7) If applicable, the statement that: "I hereby certify that the primary producers of visual depictions secondarily produced by [name of entity] and listed above either collect and maintain the records required by sections 2257 and 2257A of title 18 of the U.S. Code or have certified to the Attorney General that they regularly and in the normal course of business collect and maintain individually identifiable information regarding all performers, including minor performers, whom they employ, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the names, addresses, and dates of birth of the performers, in accordance with 28 CFR part 75; and [name of entity] has copies of those records or certifications."

(d) *Entities covered by each certification.* A single certification may cover all or some subset of all entities owned by the entity making the certification. However, the names of the sub-entities covered must be listed in such certification and must be cross-referenced to the matter for which the sub-entities served as the producers.

(e) *Frequency of certification.* An initial certification is due [DATE 180 DAYS AFTER PUBLICATION IN THE **FEDERAL REGISTER OF THE FINAL RULE**]. Subsequent certifications are due every two years from that date. The initial certification and all subsequent certifications must be filed within a period of five business days concluding on the due date (*i.e.*, if the due date were on a Friday, and there were no federal holiday during that week, the certification would have to be filed on Monday, Tuesday, Wednesday, Thursday, or Friday of that week). Initial certifications of producers who begin production after [DATE OF PUBLICATION IN THE **FEDERAL REGISTER OF THE FINAL RULE**] but before [DATE 180 DAYS AFTER PUBLICATION IN THE **FEDERAL REGISTER OF THE FINAL RULE**] are due on [DATE 180 DAYS AFTER PUBLICATION IN THE **FEDERAL**

REGISTER OF THE FINAL RULE] and must be filed within a period of five business days concluding on the due date. Initial certifications of producers who begin production after [DATE 180 DAYS AFTER PUBLICATION IN THE **FEDERAL REGISTER OF THE FINAL RULE**] but before [DATE TWO YEARS AFTER 180 DAYS AFTER PUBLICATION IN THE **FEDERAL REGISTER OF THE FINAL RULE**] are due within 60 days of the start of production (unless the start of production occurs within 60 days of [DATE TWO YEARS AFTER 180 DAYS AFTER PUBLICATION IN THE **FEDERAL REGISTER OF THE FINAL RULE**]), in which case the certifications are due on [DATE TWO YEARS AFTER 180 DAYS AFTER PUBLICATION IN THE **FEDERAL REGISTER OF THE FINAL RULE**]) and must be filed within a period of five business days concluding on the due date. In any case where a due date or last day of a time period falls on a Saturday, Sunday, or federal holiday, the due date or last day of a time period is considered to run until the next day that is not a Saturday, Sunday, or Federal holiday.

Dated: May 30, 2008.

Michael B. Mukasey,
Attorney General.

[FR Doc. E8-12635 Filed 6-5-08; 8:45 am]

BILLING CODE 4410-14-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 151

[USCG-2004-19621]

RIN 1625-AA89

Dry Cargo Residue Discharges in the Great Lakes; Notice of Public Meeting

AGENCY: Coast Guard, DHS.

ACTION: Notice of public meetings.

SUMMARY: The Coast Guard announces that public meetings for the May 23, 2008 notice of proposed rulemaking (NPRM) on dry cargo residue discharges in the Great Lakes and its supporting Draft Environmental Impact Statement (DEIS) will be held in Duluth, Minnesota, and Cleveland, Ohio, in July 2008. The proposed rule would allow the continued discharge of certain non-toxic and non-hazardous bulk dry cargo residues in the Great Lakes. Existing prohibitions on discharges in certain areas would be continued, and additional sensitive and protected areas

would be defined as no-discharge zones. Recordkeeping and reporting requirements would be imposed, and the voluntary use of measures to control residues would be encouraged.

DATES: The public meetings will be held on the following dates:

- Duluth, MN, July 15, 2008 from 1 p.m. to 5 p.m.
- Cleveland, OH, July 17, 2008 from 1 p.m. to 5 p.m.

The previously announced deadline for receiving public comments on the Coast Guard's notice of proposed rulemaking (NPRM) and DEIS is July 22, 2008.

ADDRESSES: The Coast Guard will hold the public meetings at the following addresses:

- Duluth: Holiday Inn, 200 West First Street, Duluth, MN 55802, phone 218-727-7492.
- Cleveland: The Forum Conference Center, One Cleveland Center, 1375 East Ninth Street, Cleveland, OH 44114, phone 216-241-6338.

You may also submit comments identified by Coast Guard docket number USCG-2004-19621 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

- (1) *Online:* <http://www.regulations.gov>.
- (2) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.
- (3) *Fax:* 202-493-2251.
- (4) *Hand delivery:* Room W12-140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact LT Heather St. Pierre, Project Manager, Environmental Standards Division, Coast Guard, via telephone at 202-372-1432 or via e-mail at Heather.J.St.Pierre@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-493-0402.

SUPPLEMENTARY INFORMATION:

Comment Submissions

In the NPRM published May 23, 2008 (73 FR 30014), we previously requested public comments and provided information on how to submit them in writing. All written comments received

will be posted, without change, to www.Regulations.gov and will include any personal information you have provided. Please see the NPRM for additional information on submission of written comments.

Public Meetings

The Coast Guard encourages you to attend either the Duluth or the Cleveland meeting. These meetings will be open to the public, up to the capacity of the meeting spaces. Please note that either meeting may close early if all business is finished. Oral comments will be transcribed and the transcript will be made available in the docket at www.Regulations.gov. We will also accept written comments at both meetings and will enter them in the docket. See "Comment Submissions" if you are unable to attend a meeting but would still like to comment in writing on the NPRM.

Information on Services for Individuals With Disabilities

If you plan to attend one of the public meetings and require special assistance, such as sign language interpretation or other reasonable accommodations, please contact us as indicated in **FOR FURTHER INFORMATION CONTACT**.

Dated: June 2, 2008.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards, United States Coast Guard.

[FR Doc. E8-12651 Filed 6-5-08; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2008-0228; FRL-8567-5]

Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Sacramento Metropolitan Air Quality Management District (SMAQMD) portion of the California State Implementation Plan (SIP). Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), we are proposing to approve a local rule that requires submission of emission statements from stationary sources that emit volatile organic compounds and oxides of nitrogen.

DATES: Any comments on this proposal must arrive by *July 7, 2008*.

ADDRESSES: Submit comments, identified by docket number EPA-R09-OAR-2008-0228, by one of the following methods:

1. *Federal eRulemaking Portal:* www.regulations.gov. Follow the on-line instructions.

2. *E-mail:* steckel.andrew@epa.gov.

3. *Mail or deliver:* Andrew Steckel (AIR-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Instructions: All comments will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through www.regulations.gov or e-mail. www.regulations.gov is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: The index to the docket for this action is available electronically at www.regulations.gov and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Mae Wang, EPA Region IX, (415) 947-4124, wang.mae@epa.gov.

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rule: SMAQMD Rule 105, Emission Statement, adopted by the SMAQMD on September 5, 1996. In the Rules and Regulations section of this **Federal Register**, we are approving this local

rule in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: April 11, 2008.

Jane Diamond,

Acting Regional Administrator, Region IX.

[FR Doc. E8-12477 Filed 6-5-08; 8:45 am]

BILLING CODE 6560-50-P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 517

[GSAR Case 2007-G500; Docket 2008-0007; Sequence 3]

RIN 3090-A151

General Services Acquisition Regulation; GSAR Case 2007-G500; Rewrite of GSAR Part 517, Special Contracting Methods

AGENCY: Office of the Chief Acquisition Officer, General Services Administration (GSA).

ACTION: Proposed rule with request for comments.

SUMMARY: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to revise sections that provide requirements for special contracting methods.

DATES: Interested parties should submit written comments to the Regulatory Secretariat on or before August 5, 2008 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by GSAR Case 2007-G500 by any of the following methods:

• Regulations.gov: <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting "GSAR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DRY CARGO RESIDUE DISCHARGES IN THE GREAT LAKES

PUBLIC MEETING

JULY 15, 2008

Reported by:
Sheila D. Ford, CRR, RPR
Paradigm Court Reporting & Captioning
527 Marquette Avenue South - 1400 Rand Tower
Minneapolis, Minnesota 55402
612-339-0545

1 P R O C E E D I N G S

2 MR. BERG: Good afternoon and welcome
3 to the dry cargo public meeting -- public comment
4 meeting. I'm Vince Berg, the regulatory development
5 manager for this project. I'll be facilitating
6 today. This is a time that we would ask all of you,
7 if you have cell phones, please turn them off or put
8 them on vibrate for the courtesy of -- we're not
9 showing a movie or anything, but just a courtesy, if
10 anything else.

11 The purpose of this meeting is to
12 provide the public another avenue to submit comments
13 on the proposed regulations for the dry cargo
14 residue discharged in the Great Lakes.

15 Under the Administration Procedure
16 Act, before an HQ agency issues new regulations it
17 must provide the public the opportunity to submit
18 written comments for consideration by the agency.
19 The agency can also hold public meetings to collect
20 these comments.

21 The past -- in the past -- this past
22 May the Coast Guard published in the Federal
23 Register a Notice of Proposed Rulemaking or what we
24 call an NPRM, of which you will hear today, and the
25 new regulations for the Great Lakes concerning the

1 discharge of dry cargo residue, which we call DCR.

2 We are here today to provide
3 additional background on the rulemaking process,
4 briefly present the content of the proposed rule and
5 present the highlights of the Draft Environmental
6 Impact Statement, or DEIS, as we call it.

7 We are seeking your input on the NPRM
8 and on the supporting DEIS and we look forward to
9 receiving your comments.

10 As a reminder, the comment period
11 ends July 22, 2008. Comments you provide us -- you
12 can provide us either orally or written. And they
13 will be placed in the public docket on
14 www.regulations.gov. In your handout you'll see
15 there's a comment form. And for that comment form
16 there's also instructions how to go into the docket.

17 If you have questions pertaining to
18 the content of the proposed rule or DEIS we
19 encourage you to provide that information in the
20 form of a comment. Comments can be provided
21 verbally at the microphone in the middle of the
22 room, which will be also recorded by the
23 stenographer, or in writing in the forms provided in
24 the back of the room or in your packet.

25 You can leave those written

1 statements with us or you can mail them in.

2 For your privacy or if you don't feel
3 comfortable stating your comment at the microphone,
4 the stenographer, court reporter, she will remain
5 after if you want to give a personal comment to her.

6 This is a reminder these comments
7 will be put in the public docket for public viewing.

8 We have several presenters that will
9 discuss background of the DCR, the NEPA process and
10 findings, and the Coast Guard proposals. After
11 these presentations we will open the floor to public
12 comment.

13 A little bit of housekeeping, please
14 make sure everyone is signed in in the back of the
15 room. And if you want to have a comment, please
16 sign in saying you want to make a comment.

17 The fire extinguisher -- fire exits,
18 if something happens, please use the exits. Don't
19 use the elevators. And the restrooms are out the
20 back to the right out the back door.

21 At this time I'd like to start off by
22 introducing Lieutenant Heather St. Pierre.
23 Lieutenant St. Pierre is in the Coast Guard
24 Environmental Standards Division. She's here to
25 speak today about the background of dry cargo

1 residue.

2 MS. ST. PIERRE: Good afternoon,
3 everyone. Thank you for coming here. I know we're
4 a little bit sparse today, but maybe the weather is
5 so nice. But thank you all for coming today. I
6 appreciate it.

7 What I'd like to do is, before we go
8 along and present some of the contents and the
9 results that we have, I want to give just a very
10 short background on dry cargo residues.

11 First off, what are dry cargo
12 residues? They're essentially residual cargo from
13 loading and unloading processes on board a vessel
14 that fall on board the deck and are not swept up
15 into the cargo holds. The vast majority of these
16 residues on the Great Lakes are limestone, coal and
17 iron ore or taconite. And typically what has
18 happened is these residues, once the vessel gets
19 underway, pulls away from the facility, is that
20 they're swept overboard, for safety reasons, for
21 efficiency, and for financial reasons.

22 Now, the current regulations what we
23 have now. In the 1987 the United States wished to
24 adopt MARPOL or the International Convention for the
25 Prevention of Pollution from Ships, which modified

1 the Act to Prevent Pollution from Ships, which is
2 our domestic implementing legislation. And in order
3 to do that they have applied additional restrictions
4 now to the waterways. And that is seen in
5 33 CFR 151.66 which specifically prohibits the
6 discharge of garbage in the navigable waters in the
7 United States. And for our case, cargo residues --
8 in this case dry cargo residues -- are defined and
9 meet the definition of garbage in 33 CFR 151.

10 So what happened? In 1993, in
11 consultation with affected federal and state
12 organizations, they looked at the specific issue
13 with the regulation that was in place and then with
14 the current practices of the dry cargo sweepings.
15 And what they did is they came up with the Interim
16 Enforcement Policy which was originated by the Coast
17 Guard's Ninth District. And this, starting in 1993,
18 had allowed the discharge of dry cargo residues in
19 specified areas of the Great Lakes. And
20 essentially, what it did, is it permitted, at set
21 distances from shore, certain discharges. And what
22 it did is apply to nontoxic and nonhazardous cargo
23 residues only. It applies to U.S. vessels all over
24 the Great Lakes and it applies to vessels of any
25 nation in the U.S. waters of the Great Lakes.

1 In 1998 Congress granted the Coast
2 Guard interim authority to enforce the Ninth Coast
3 Guard District Interim Enforcement Policy. So then
4 we adopted that. They renewed that authority again
5 in 2000 and then again in 2004. And when they
6 renewed this authority they required the Coast Guard
7 to complete an environmental assessment of this
8 Interim Enforcement Policy which we began in 2004.
9 And they also granted us permanent authority, which
10 we are using right now for this rulemaking. And
11 that's notwithstanding any other law, the commandant
12 of the Coast Guard may promulgate regulations
13 governing the discharge of dry cargo residue on the
14 Great Lakes. And this is the authority that we're
15 using now.

16 Also the Conference Report in support
17 of this 2004 legislation stated that it expected
18 that the Interim Enforcement Policy would be made
19 permanent or be replaced with regulations that would
20 strike a balance between maritime commerce and
21 environmental protection. And so that is a goal and
22 something that we are looking at at this point.

23 So under the authority that we have
24 regarding developing a rulemaking and that we can
25 regulate these discharges we undertook a rulemaking

1 and opened a docket. And also we began our process
2 under the National Environmental Policy Act, which I
3 will turn over to Susan Hathaway.

4 MR. BERG: Thank you, Heather. Next
5 I'd like to introduce Susan Hathaway. Ms. Hathaway
6 is from the Office of Engineering Logistics
7 Environmental Management. She's here to speak today
8 about the National Environmental Policy Act process
9 also known as NEPA.

10 MS. HATHAWAY: Thank you very much.
11 Thanks for being here today. I'm Susan Hathaway. I
12 am a national environmental policy specialist at our
13 headquarters.

14 It's important to begin this meeting
15 with a brief overview of the National Environmental
16 Policy Act, which from here forward I will call
17 NEPA, and to discuss the Environmental Impact
18 Statement which is the document that we're using to
19 comply with NEPA.

20 Basically NEPA is one of the main
21 reasons we're here at this meeting today. In 1969
22 Congress passed the Act, requiring that federal
23 agencies consider environmental issues and
24 environmental consequences of their proposed actions
25 prior to taking any action.

1 This is done during the planning
2 stages of our proposed action. The main goal is
3 implementing procedures until Federal agencies
4 evaluate the potential impact prior to taking
5 action, inform the public of our actions and its
6 impacts, and to encourage and facilitate public
7 involvement throughout our decision-making
8 processes.

9 I would like to note that EPA has
10 assisted us in the scope of our analysis and the
11 preparation of the EIS as a cooperating agency under
12 NEPA.

13 So our EIS is a public document that
14 describes rulemaking, alternatives to that
15 rulemaking, and the environmental impact of the
16 proposed rule and alternatives to that rule.

17 One of those alternatives is called
18 the No Action Alternative, that is to say, if the
19 Coast Guard took no action and allowed the current
20 Interim Enforcement Policy to expire this fall.

21 The EIS evaluates and compares the
22 impacts of the alternatives with dry cargo residue,
23 compares them with one another and compares them to
24 that No Action alternative.

25 To adequately understand the

1 potential environmental impact of an action all
2 relevant data and input must be collected and
3 analyzed during the EIS process.

4 That collection of information
5 started quite some time ago. In March of 2006 we
6 announced our intent to prepare an EIS and publish
7 that in the Federal Register. We opened up a public
8 scoping period of up to 45 days where we allowed the
9 public to give us comments and their input. That
10 process aided in our collection of information and
11 helped us zero in on the issues that you, the
12 public, and we, the Coast Guard and EPA felt were
13 important to address in this document.

14 We also held a public scoping meeting
15 in Cleveland in July of 2006. The comments that we
16 received during that period are now addressed in
17 this Draft EIS.

18 In addition to this scoping meeting
19 we also sought input and information from two expert
20 committees that convened to share knowledge and
21 references on the existing conditions of the lakes,
22 to review methods and the results of Coast
23 Guard-sponsored dry cargo scientific investigations,
24 and to provide some advice and data interpretation
25 from those investigations.

1 All of that information is now in the
2 Draft EIS, and this meeting today represents your
3 opportunity to comment on those alternatives and the
4 impacts that we found amongst those alternatives.

5 So that's going to last for 60 days.
6 It started on May 23 and will close July 22, which
7 is next week. Okay? So if you'd like to comment
8 outside of today's meeting, make sure that you have
9 your comments in by next week.

10 We will compile those comments and
11 make sure you've addressed the issues -- make sure
12 we've addressed the issues you brought forward, and
13 we will prepare a Final Environmental Impact
14 Statement. At that time there will be another
15 opportunity for public review.

16 If you're not on our mailing list,
17 Nicole is out front and she'd be happy to add you to
18 the mailing list if you'd like to receive those
19 future documents.

20 We welcome and look forward to your
21 comments today and thank you for coming. If you
22 think of a comment later or if you're not
23 comfortable speaking in front of everyone, that's
24 totally fine. We have a comment paper inside your
25 package. You can submit that to Nicole. You can go

1 to the docket and submit comments or you can orally
2 give those comments today.

3 If you have any questions about NEPA,
4 I'll be back there later today. And thank you.

5 MR. BERG: Thank you, Susan. Next
6 I'd like to introduce Mr. Greg Kirkbride.
7 Mr. Kirkbride is from the Office of the Standard
8 Evaluation and Development. He's here to speak
9 today about DCR and the Draft Environmental Impact
10 Statement.

11 MR. KIRKBRIDE: Good afternoon and
12 welcome.

13 As Susan said, the NEPA process is
14 driving the manner in which we do this rule, so this
15 is our application of that to the DCR rulemaking
16 through the Draft Environmental Impact Statement.

17 The Coast Guard is going to use the
18 DEIS to make an informed decision about dry cargo
19 residue and understand the environmental and
20 socioeconomic impacts in that decision-making
21 process. We talked about the regulation and what it
22 applies to earlier. We do want to provide
23 regulations that are clear and concise and they meet
24 the definitions and expectations. And we also have
25 a statutory requirement from Congress to conduct an

1 environmental assessment, meaning, to look at the
2 impacts of this rulemaking.

3 Some of the background: We do have
4 the mandate to have a balance between commerce and
5 the environmental effects of our rulemaking. We
6 have to continually look at that. And one of the
7 ways we've done that is a very comprehensive
8 information gathering and analysis process. Did I
9 mention that EPA is a cooperating agency? And
10 Sherry Kamke is actually here today and has been
11 with the team for most of the time that the DCR
12 process has been going on.

13 We used sampling and we use mapping.
14 We actually used an EPA vessel to conduct a very
15 thorough sonar survey and we followed that up with
16 experiments and analysis of sediments. We used
17 analytical methods, laboratory analysis of
18 biological agents, experiments, and also did
19 extensive literature searches to find out what has
20 already been evaluated about DCR and we found we had
21 to go some steps further than that. And we did have
22 a scientific review team throughout our process and
23 had people from the academic world to evaluate what
24 we were doing.

25 The major step in the NEPA process is

1 to come up with alternatives for meeting what we
2 have as what we're going to call a Statement of
3 Need. And those alternatives have to fit in with
4 our decision tool, as the EIS is part of the way we
5 look at evaluating what happens in this rulemaking.
6 One of the alternatives we've come up with were a
7 No Action alternative. We mentioned that. That
8 would revert to no discharge in this case, coming
9 under the Act to Prevent Pollution from Ships.

10 Our proposed action is to take the
11 Interim Enforcement Policy, which has been
12 described, as a regulation and combine that with
13 mandatory record-keeping and reporting. And the
14 main reason for that is to gather additional
15 information.

16 The next alternative is the proposed
17 action with modified exclusion areas. We have
18 evaluated the exclusion areas as they exist in the
19 current enforcement policy and we see areas where
20 they could be changed.

21 We also came up with the proposed
22 action with shipboard control measures. And those
23 measures would be toward reducing or preventing DCR
24 that would be swept.

25 And also looking at the shoreside as

1 the fifth alternative, the same thing, for control
2 measures.

3 We take these alternatives and look
4 at the affected environment. And the areas that we
5 looked at were the sediments, the water quality,
6 biological resources, protected and sensitive areas,
7 and socioeconomics.

8 So we're talking pretty much the
9 water column all the way to the bottom, as far as
10 what we're evaluating.

11 Sediments: Once in the sediments,
12 the DCR particles that are swept have the potential
13 to alter the makeup of those sediments, and that
14 could affect the biological components and processes
15 associated with those biological components.

16 We also have to examine the
17 composition of those sediments, whether there are
18 metals and how they are deposited on the bottom.

19 The water quality: Since DCR is
20 discharged directly into the lakes we have to look
21 at the fact that it could affect water quality, so
22 we examined the physical, chemical, and
23 toxicological effects and analyze water chemistry
24 parameters.

25 Biological resources: Sensitive

1 resources could be impacted by the sweeping of DCR.
2 So we examine endangered species, protected and
3 sensitive species, the areas in which they thrive,
4 benthic community structure, fish, invasive species
5 and toxicology. And the toxicology reports are
6 actually part of the Appendices.

7 We did look at invasive mussels as an
8 area of concern. And then the protected and
9 sensitive areas, we looked, as I said, at the
10 Interim Enforcement Policy and whether it was
11 covering all the sensitive areas where --
12 principally where your marine life is inhabiting.
13 And those included National Estuarine Research
14 Reserve Systems, National Wildlife Refuges and the
15 National Marine Sanctuaries.

16 And, finally, socioeconomics: Here
17 we're looking mainly at the human environment and
18 the industries and how the rule might affect those
19 and how our alternatives would affect those. And
20 since it has direct consequences on the economic
21 activity, we did examine economic systems, the water
22 dependent infrastructure, fishing, subsistence and
23 environmental justice.

24 Finally, a very important part is
25 your consequences. By looking at the alternatives

1 and matching that against the affected environment,
2 conducting analyses, we come up with the
3 consequences for the alternatives.

4 What we started out with was
5 establishing criteria for the effects, how to grade
6 those effects, and we came up with effects of
7 no impact or negligible, insignificant impact, which
8 translates to minor, and significant impact or
9 major. And we applied these to each of the affected
10 areas and looked at each of the alternatives in
11 relation to those affected areas.

12 The first alternative we looked at --
13 first alternative I'm going to present -- is the No
14 Action alternative where there would be no
15 discharge. As you see, there is no adverse impact
16 for most of the resources, with the exception of the
17 socioeconomic resources, where there could be a
18 major impact because of the cost of implementing the
19 No Action alternative.

20 Now we're going to look at what we
21 call the Action alternatives. And this consists of
22 our proposed action and the three other alternatives
23 that follow that.

24 As a summary for all the Action
25 alternatives, we determined that there would be no

1 impact for most of the resources for those
2 alternatives. We did determine that there could be
3 insignificant or minor impact for sediment physical
4 structure, protected and sensitive areas, the
5 benthic community, invasive mussels and commerce,
6 under certain conditions.

7 Going into some more detail about
8 those. It's possible that a change in physical
9 structure of the sediment could cause small
10 localized shift in the relative abundance of
11 sensitive species.

12 As far as protected and sensitive
13 areas, there could be an impact as the protected and
14 sensitive areas are now designated, there could be
15 sweeping in those areas.

16 Invasive mussels, principally the
17 zebra and the quagga mussels: There may be a
18 preference for areas where there is DCR in the
19 substrate compared to just the soft sediment without
20 DCR.

21 And, finally, the socioeconomics:
22 The cost of control measures, whether they be
23 shipboard or shoreside, could cause a major economic
24 impact on shipping and related industries.

25 And the cumulative impacts: We are

1 obligated to look at the action -- proposed action
2 not only by itself, but in relation to future
3 possible activities and other things that are going
4 on. And so we came to the conclusion that as far as
5 cumulative impacts, we have DCR as a negligible
6 component in the large scheme; therefore, our
7 assessment is no impact. And I am going to go
8 through the different action alternatives and just
9 show the differences in impacts here.

10 In the proposed action, which is the
11 Interim Enforcement Policy with a mandatory
12 record-keeping and reporting, the main impact would
13 be on the socioeconomic resources.

14 For the proposed action with modified
15 exclusion areas, for protected and sensitive areas,
16 there would be slightly less impact than for the
17 other action areas.

18 And then for the control measures
19 alternatives, whether it be shipboard or shoreside,
20 there could be impact on socioeconomics by the
21 control measures cost, and likewise with the
22 shoreside.

23 Preferred alternative: Our preferred
24 alternative is the proposed with the Interim
25 Enforcement Policy and record-keeping and reporting.

1 And we would also add to that mitigation measures.

2 And I will describe those in a minute.

3 The proposed action allows us to
4 better enforce and monitor the Interim Enforcement
5 Policy, and we can gain additional information on
6 the practices and the cost so we can look at the
7 effectiveness and the cost of the control measures
8 so that we will have a better picture of that aspect
9 of the DCR and the rulemaking.

10 The mitigation measure is -- what
11 we've done is we've looked at the exclusion areas
12 and we came up with areas where we could, based on
13 the knowledge we have, include them as additional
14 exclusion areas, so that we could reduce the
15 possible impacts to some degree.

16 We did not propose the modified
17 exclusionary itself due to lack of information on
18 the specifics. And that's something we could gather
19 as we -- if we implement our proposed action. And
20 this mitigation could actually apply to any of the
21 action alternatives; not just the proposed
22 alternative.

23 And, finally, you would see in the
24 Draft Environmental Impact Statement a comparison of
25 the alternatives. We call this a Measles chart and

1 it gives a quick rundown of where the differences
2 are in the impacts of the different alternatives.

3 And that concludes my presentation.

4 Thank you.

5 MR. BERG: Thank you, Greg. Once
6 again I would like to bring up Lieutenant Heather
7 St. Pierre. She will be discussing and speaking
8 this time of the proposed DCR rule.

9 LT. ST. PIERRE: Hello again.
10 Basically what I'm going to go through is I'm just
11 going to give some highlights of the proposed
12 rulemaking. I'm not going to go through it in
13 detail and it will probably put everybody to sleep.

14 But basically, as I had mentioned
15 before, the congressional intent of this regulation
16 is a balance, maritime commerce and environmental
17 protection. And also we wanted to seek alternatives
18 to the zero discharge regulations that are currently
19 in effect in the Code of Federal Regulations.

20 That's because, based on the National Environmental
21 Policy Act analysis that was presented by
22 Mr. Kirkbride, we found that there's only minor
23 environmental benefits to doing so in a very high
24 cost industry as we had suggested. And it's \$51
25 million plus an additional \$35 million annually to

1 implement the zero discharge policy or zero
2 discharge regulation for industry. And that's
3 straight from our regulatory analysis in our Notice
4 of Proposed Rulemaking.

5 What I'd like to do, as I mentioned
6 before, I'm just going to go through some of the
7 highlights. The main things of this proposed
8 rulemaking are to adopt our Interim Enforcement
9 Policy as a regulation. We wanted to add -- Greg
10 had mentioned about the mitigation measures. We
11 wanted to add six additional sensitive and protected
12 areas to the exclusion areas.

13 We also want to encourage the
14 voluntary use of dry cargo residue control measures.
15 We want to require DCR record-keeping and recording.
16 And then lastly we will have a simultaneous launch
17 of new rulemaking that we will look into control
18 measures a little bit more in detail.

19 Because the Interim Enforcement
20 Policy has been out for quite a while I'm not going
21 to bore everyone with the details and go through it
22 line by line, but if people want to review that
23 further, it is on our docket and the instructions
24 are in your handout, but it is also on our website
25 page as well, so you can look at that in detail. It

1 is a two or three-page document.

2 What I would like to highlight are
3 some of the changes that we are also implementing
4 along with the Interim Enforcement Policy as a
5 regulation. And one of those changes is we added
6 some new sensitive and protected areas; specifically
7 Detroit River National Wildlife Refuge in Lake Erie,
8 Northern Refuge in Lake Michigan, Thunder Bay
9 National Marine Sanctuary in Lake Huron. And those
10 are where the charged are prohibited -- or it's
11 protected. Now in Green Bay and Lake Michigan it's
12 restricted to limestone and clean stone only.

13 Isle Royale in Lake Superior is
14 limestone and clean stone only, and Western Basin of
15 Lake Erie is limestone and clean stone on some
16 routes, and other DCRs permitted but only in the
17 dredged channels. So these are some changes to the
18 Interim Enforcement Policy that we would like to
19 adopt in our regulations, so I just wanted to
20 highlight those for you.

21 Also, too, as I had discussed these
22 voluntary DCR control measures, again we would like
23 to encourage the use of them to reduce the discharge
24 of the sweeping of DCR. And some of those measures
25 are -- as you guys have seen in our Draft

1 Environmental Impact Statement and also in our
2 Notice of Proposed Rulemaking and form, some of
3 those measures are very simple. Some of them
4 include brooms and shovels. Some of them include
5 enclosed conveyors, conveyor skirts, water or mist
6 or dust control, and radio communication just to
7 kind of keep things a lot cleaner and to reduce the
8 excess residue.

9 And what we're also asking people to
10 do is, on our forms, of course, as I will show here
11 in a minute, but we're also asking if people have
12 different methods that we have not listed that they
13 have found that work, we would like to know about
14 those so we can possibly employ those, so we would
15 like to include those on the form.

16 As I had mentioned, we would like to
17 require a -- we're proposing that we require
18 mandatory record-keeping and mandatory reporting.
19 Again we want you to record what control measures
20 that you use on this form, and that is for the
21 vessel and the facility or both. Also we would like
22 you to record the estimated amount of cargo residue
23 to be discharged, and that is during or just
24 immediately after loading and unloading so we can
25 kind of get an idea to connect that with the control

1 measure that was used, if any.

2 And then we would like you to record
3 the sweeping events when the actual sweeping occurs
4 away from shore.

5 And we're requesting reports to be
6 submitted on a quarterly basis so we can compile
7 that information. Or you can submit them whatever
8 way you'd like, but it's a requirement for a
9 quarterly basis. So that's our proposed rule.

10 And also very similar to other
11 regulations, we want you to maintain those forms for
12 inspection on board for two years for compliance
13 verification.

14 And this regulation would apply to
15 U.S. carriers anywhere on the Great Lakes, and it
16 would also apply to foreign flag carriers operating
17 in U.S. waters of the Great Lakes.

18 This isn't exactly the best form --
19 best photo of it, but you guys do have it in your
20 handout if you want to take a look at the dry bulk
21 cargo reporting form. And this is what we have
22 proposed and are seeking comment on it as well. But
23 you can find that in your handout. And this is
24 basically what you would be recording on: You're
25 recording your cargo, loading/unloading operations,

1 what facility -- what control measures that you have
2 implemented, your estimated amount of cargo to be
3 swept and then when you actually sweep the cargo,
4 where you swept it and the speed.

5 On the back side of this form it's
6 numbered and has letter codes, so instead of having
7 to write in all these blocks, this is a way for you
8 to record that information on this reporting form to
9 try to keep it simple. Again this is not
10 necessarily a complete list of these possible
11 control measures. So if you have something new,
12 we're asking people to record that as well and
13 describe that process to us.

14 Lastly, as I had mentioned, so we can
15 look deeper into the use of control measures because
16 we don't have enough information on them yet, is we
17 are going to -- with the publication of our final
18 rule we will simultaneously launch our -- an
19 Advanced Notice of Proposed Rulemaking; so basically
20 open up another docket and receive additional
21 information on control measures, which is what we
22 specifically would like to look into a little bit
23 further.

24 So with that I would like to turn
25 this over to Mr. Berg. Thank you.

1 MR. BERG: Thank you, Heather. Does
2 anybody else have anything?

3 At this time we would like to open up
4 the floor to the public for your comments. First of
5 all we would like to go over some ground rules. You
6 have a copy of them in the packets.

7 This is your opportunity to comment
8 on the contents of the NPRM and DEIS and we would
9 like to receive these comments. If you have a
10 question about the content of these documents, we
11 would kindly ask you to provide them in the form of
12 a comment.

13 Please use the microphone provided in
14 the middle of the room. Speak into the microphone
15 so that it can be heard because it will be recorded
16 by the stenographer.

17 Please state your name, affiliation
18 and whether you're commenting on the NPRM, the DEIS
19 or both.

20 Please limit your comment to five
21 minutes. I will raise my hand at the one-minute
22 mark indicating that you have one minute left. At
23 this time please wrap up your comment.

24 After all the registered speakers
25 have provided remarks, if the time permits, previous

1 speakers may provide an additional three minutes of
2 comment.

3 Written comments may also be supplied
4 as well if you don't want to speak in front of the
5 microphone. However, please remember you are in the
6 presence of a stenographer who is recording an
7 official transcript that will be entered in the
8 docket for public view.

9 After the comment period the
10 stenographer will also be available to take
11 additional comments if you would feel more
12 comfortable in a less formal setting.

13 At this time I'm going to ask
14 Mr. Jim Sharrow for comment.

15 MR. SHARROW: Good afternoon. I'm
16 Jim Sharrow. I'm the facilities manager with the
17 Duluth Seaway Port Authority and I have a couple of
18 very general comments on the NPRM today.

19 First of all I want to say that the
20 Duluth Seaway Port Authority is very supportive of
21 the process that the Coast Guard is using in
22 determining the suitability of discharging these
23 cargo sweepings into the lakes. Duluth Superior
24 Harbor is the largest, busiest, highest tonnage
25 harbor in the Great Lakes, and actually the 15th

1 largest harbor or busiest harbor in the U.S. And
2 ranked as a dry bulk port we are the busiest in the
3 United States. So the results of this process bear
4 heavily on the -- on this port. And I guess I'd
5 like to say that, in our opinion, this entire
6 process is something that began as a result of kind
7 of the law of unintended consequences; that when the
8 original MARPOL law or rule was accepted it was not
9 understood by our Federal Government or our agencies
10 back in the 1980s how it would be applied to the
11 Great Lakes because of the interpretation of cargo
12 -- of cargo residues as garbage. And we've been
13 struggling, we as an industry, to deal with this
14 ever since. It's been about 20 years now. But we
15 are very supportive of the process the Coast Guard
16 has been going through. We think it's a very
17 professional process and we're very happy to see
18 that you are trying to -- trying to handle this in a
19 balanced manner to balance the needs of industry
20 with the environmental needs of the region.

21 A couple of particular comments on
22 the form, on the use of the form and the layout of
23 the form. I question the viability and usefulness
24 of the man hours question. This can vary greatly --
25 the interpretation of what it means could vary

1 greatly from master to master who is recording this,
2 and I think you might find that it's a very unusable
3 data once it's been collected. And it will take
4 time. And some question the value in collecting
5 that particular data.

6 Also I might mention that the
7 expression of the cargo residue that's discharged in
8 cubic meters might be more accurate or easier for
9 the crews to define it or measure it in cubic feet
10 because I doubt that any ship would ever actually
11 discharge even one cubic meter of material.

12 That's all I have to say. Thank you.

13 MR. BERG: Thank you, Mr. Sharrow.

14 Next I would give the opportunity to
15 Mr. Nekvasil.

16 MR. NEKVASIL: Thank you. I'm Glen
17 Nekvasil. I'm vice president for corporate
18 communications for the Lake Carriers' Association
19 and I'm going to comment on the NPRM.

20 Lake Carriers represents the U.S.
21 flag vessel operators on the Great Lakes; 16 member
22 companies, 63 vessels. Last year we moved 104
23 million tons of cargo. Primary cargos are iron ore,
24 coal, limestone and cement.

25 We support the continuation of the

1 Wash-Down Policy. The Draft Environmental Impact
2 Statement finds no significant environmental impact,
3 but wash-down will allow us to continue to operate
4 our vessels as sufficiently as possible while
5 respecting the environment.

6 It's very important to understand
7 that these cargo residues are nonhazardous,
8 nontoxic, and most of the raw materials that move on
9 the lakes are shipped in their natural state or as
10 they're mined. Limestone, coal, for example,
11 sometimes they're rinsed and that goes into the
12 hold. Taconite: They do add a binding agent, clay,
13 during the process. But again it's pretty much as
14 it's mined out of the ground.

15 The amount of dry cargo residue being
16 swept is minute. The Draft Environmental Impact
17 Statement, the trades and the vessels that they
18 studied in that given year moved 165 million tons of
19 cargo, yet the amount of the cargo residue washed
20 over was only 500 tons. That's equal to
21 0.0006 percent of the cargo. So we are really
22 talking about minute amounts of cargo.

23 The DEIS finds that the highest
24 density track for cargo residue was coal on Lake
25 Erie. And if you do it on a per-acre basis, the

1 coal is equal to spreading three cups of coal over a
2 football field. And I just want to show folks, this
3 is three cups of coal. Spread it over a football
4 field. This is what we are talking about. We are
5 not covering the lakes with dry cargo residue. And
6 just in case someone thinks that there isn't a lot
7 of coal on Lake Erie, they ship 15 million tons a
8 year. They used to ship 50 million tons a year, but
9 Lake Erie is the eastern coal and now the western
10 coal is driving the trade. Again these cargos are
11 nonhazardous, nontoxic. The DEIS, to quote: The
12 effects of over a century of DCR sweeping on
13 sediment quality or biological resources are barely
14 detectable. To repeat, they are barely detectable.

15 So LCA endorses the continuation of
16 wash-down. We do understand the rationale for the
17 slight expansion of the discharge zones, but we
18 would note that your Draft Environmental Impact
19 Statement said that if you had continued to allow it
20 in those areas it would not have had a major impact
21 -- environmental impact.

22 We don't understand the encouragement
23 for vessel operators to use voluntary measures.
24 This is a disconnect to us. Obviously the industry
25 is using control measures. Otherwise we might --

1 the quantities wouldn't be so small. We do use
2 deck -- they do shovel it back into the hold and
3 back onto the belts. So I don't want anybody in
4 this room thinking that there are lots of measures
5 for vessel operators to apply today to further
6 reduce the amount of dry cargo residue. We are
7 doing our best. It's in our best interest. The
8 customer is paying us to deliver this cargo. He
9 doesn't want it swept over. He wants it in his
10 stockpile.

11 Also the rulemaking would make
12 mandatory the record-keeping that we're now doing on
13 a voluntary basis. We don't understand this
14 requirement, either. We don't think there is any
15 need for additional studies. You've been studying
16 this now for ten years.

17 And we are looking at dry bulk trades
18 that have existed for a long time. Marquette has
19 been shipping iron ore since 1852. Duluth has been
20 shipping iron ore since 1892. Rogers City has been
21 shipping limestone since 1912. So when they went
22 down and they got their samples they were looking at
23 tremendous amounts of cargo movement over a long
24 period of time. If you go back to 1900, iron ore
25 trade on the Great Lakes since 1900 is 7.1 billion

1 tons; the coal trade since 1900, 4.1 billion tons;
2 limestone, 2.2 billion tons. So the studies have
3 analyzed the impacts of tremendous amounts of cargo
4 movement over an extremely long period of time.

5 So in summation, we support the
6 continuation of the wash-down policy, but we do not
7 believe additional study is merited unless there's a
8 new dry bulk trade on the Great Lakes. Thank you.

9 MR. BERG: Thank you, sir. I'll give
10 the opportunity to Mr. Musick.

11 MR. MUSICK: Thank you very much.
12 I'm Tim Musick. I live in Duluth and I also work
13 with the Minnesota Pollution Control Agency. We
14 have an office here in Duluth right down by the
15 bridge.

16 We will have a formal written letter
17 coming with regard to our comments on the proposed
18 rule, but a couple of things that -- since I've been
19 doing most of the work on it, a couple of things I
20 wanted to add here.

21 The demonstration about three cups
22 here made me think a little bit about a complaint I
23 investigated that got me into this thing in the
24 first place. And that complaint was from a person
25 who lives on Park Point. Park Point is that spit of

1 sand that goes out and separates our harbor from the
2 lake. And this individual lived on the lake. And
3 he wanted me to come down and look at the coal that
4 was washing up on the beach in front of his house,
5 which I did. And he was absolutely correct.

6 Apparently there's some accumulation that rolls up
7 on the beach occasionally and I was able to pick up
8 quite a bit of coal on the beach right out here. So
9 there is a nuisance issue here. I don't want it to
10 be implied here that this is a strictly benign
11 operation, that there's nothing wrong with it, that
12 it all sinks to the bottom of the lake and so on.

13 Speaking of the bottom of the lake,
14 back in the mid '90s when I was involved with Earles
15 on Lake Superior -- which has been dogging me my
16 whole career, by the way, but, nonetheless, we were
17 out there doing sidescan sonar work. And it was
18 obvious to us what happens when you get in the
19 shipping lanes. It is a junkyard out there and this
20 is just a continuation of throwing things off these
21 ships. I think it's time for a paradigm shift here
22 and get away from this, after all this is the
23 21st Century here.

24 Now, what was disappointing for me in
25 the EIS work that the Coast Guard had done were a

1 couple things. One, the cost analysis. It was
2 almost embarrassing to read how you determined and
3 how you came to the \$51 million figure. Utilizing a
4 figure of \$1700 per hour for the ship -- and I don't
5 question that -- but when you take four crew members
6 with brooms and shovels and you put them to work for
7 two and a half hours on the deck and then you follow
8 that with one person down in the tunnels walking
9 down the tunnels for three and a half hours, giving
10 you a total of six hours tied to the dock because of
11 clean-up requirements, and you multiply that times
12 the 55 U.S. flag ships times the 60 trips per year
13 and you arrive at \$51 million. I have to tell you
14 that that is really a stretch. And it didn't even
15 consider anything with regard to mechanical sweepers
16 or vacuum systems on shore facilities -- or from on
17 shore facilities, which is really, I think, the crux
18 of the issue.

19 We're not here to complain about the
20 Coast Guard. We're not here to complain about the
21 shipping industry, per se. What we'd like this
22 thing to emphasize, however, is the importance of
23 addressing the onshore loading facilities, because
24 in my work, when it comes to a spill, the
25 responsible party is the party that spills the

1 material. It doesn't matter if it's a unit train
2 coming across Minnesota and it -- it derails for
3 whatever reason, they pick up the coal. If it's a
4 tanker on I-35 and he gets involved in an accident,
5 he cleans up the fuel even though he may not have
6 caused the accident. If an onshore facility for
7 whatever reason, operator error, mechanical
8 problems, spills something on the deck of a ship,
9 they ought to be required to clean it up. Now, if
10 we had better controls like that and if we had some
11 responsibility like that, they wouldn't be spilling
12 as much stuff, I can guarantee you, because they're
13 going to clean it up.

14 And I don't know about Maritime Law,
15 but it seems to me that somebody who spills
16 something on the deck of a ship should be able to go
17 on board and clean it up. And with vacuum systems
18 available today on trailers, drive them right up to
19 the ship, run a line up, vacuum it up, I don't see
20 it as an issue. From a safety point of view I think
21 the -- I watch these ships go by with taconite
22 pellets all over the deck. If you like walking on
23 marbles, walk on that ship. And to leave them on
24 that ship until they're ten miles -- excuse me --
25 13 miles out to sea is not a safety issue, because

1 if you want to be safe about it, you remove them
2 before the dock -- the ship leaves the dock. Times
3 up? Thanks.

4 MR. BERG: Thank you for your
5 comments.

6 We want to thank you all for your
7 participation and interest. Your comments were very
8 productive and important to us.

9 If you have not already visited our
10 displays in the back of the room, we encourage you
11 to do so. There will be a representative at the
12 displays to assist you. However, your verbal
13 comments while at the displays will not be recorded.
14 We again encourage you to provide a written comment
15 either by written form or with the stenographer.

16 If you are traveling, have a safe
17 trip. Meeting adjourned.

18
19
20
21
22
23
24
25

1
2 PUBLIC MEETING FOR:

3
4 DRY CARGO RESIDUE DISCHARGES

5 IN THE GREAT LAKES

6
7 CLEVELAND, OHIO

8
9 JULY 17, 2008

10
11 - - -

12
13 BE IT REMEMBERED, that upon the hearing of
14 the above-entitled matter, held at the Forum
15 Conference Center, One Cleveland Center, 1375
16 East Ninth Street, Cleveland, Ohio, and
17 commencing on Thursday, the 17th day of July,
18 2008, at 1:06 o'clock p.m., at which time the
19 following proceedings were had.

20
21 - - -
22
23
24
25

1 PANEL APPEARANCES:
2

3 Mr. Vince Berg

4 Lt. Heather St. Pierre

5 Ms. Susan Hathaway

6 Mr. Greg Kirkbride

7 Lt. Jeff Bray
89 - - -
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 MR. BERG: Good afternoon and
2 welcome to the Dry Cargo Residue Public Comment
3 Meeting. I am Vincent Berg on the regulatory
4 development and management for this project. I
5 will be the facilitator for today.

6 At this time, I would like to ask
7 anybody who has cell phones, if you could please
8 turn them off or put them on vibrate.

9 For purposes of this meeting, this is
10 to provide the public another avenue to submit
11 comments on our proposed regulations for dry
12 cargo residue discharges in the Great Lakes.

13 Under the Administrative Procedure
14 Act, before an agency issues new regulations, it
15 must provide the public the opportunity to
16 submit written comments for consideration by the
17 agency. The agency can also hold public
18 meetings to collect these comments.

19 This past May, the Coast Guard
20 published in the Federal Register a Notice of
21 Proposed Rulemaking, NPRM, the new regulations
22 for the Great Lakes concerning the discharge of
23 dry cargo residue, which we will call DCR.

24 We are here today to provide
25 additional background on the rulemaking process,

1 briefly present the content of the proposed rule
2 and present highlights of the Draft
3 Environmental Impact Statement, or DEIS.

4 We are seeking your input in the NPRM
5 and on the supporting DEIS, and we look forward
6 to receiving your comments.

7 As a reminder, the public comment
8 period ends the 22nd of July, which is next
9 week.

10 The comments you provide us, either
11 orally or written, will be placed in the public
12 document at www.regulations.gov. There is a
13 handout in the back of the room that shows you
14 how to navigate to this Web site if you prefer
15 to put your comment on the Web site.

16 If you have questions pertaining to
17 this content of the proposed rule or the DEIS,
18 we encourage you to provide that information in
19 the form of a comment. Comments can be provided
20 verbally at the microphone in the middle of the
21 room, which will be recorded by the
22 stenographer, in writing, on the forms provided
23 in the back of the room or in the packets that
24 you have received.

25 For your privacy, the stenographer

1 will remain afterwards if you would prefer to
2 give a statement or comment to her privately.
3 As a reminder, these comments will be placed in
4 the public docket for public viewing.

5 We have several presenters that will
6 discuss the DCR background, NEPA process and
7 findings and the Coast Guard proposal. After
8 these presentations, we will open the floor to
9 public comment.

10 Please make sure that everyone is
11 signed in at the back of the room, especially if
12 you want to make a comment, so that we know who
13 to introduce. The sign-in sheet will become
14 part of the administrative record. If you wish
15 to make a verbal comment at the microphone, the
16 card is necessary so that we know who to
17 introduce.

18 I would like to start off introducing
19 Lieutenant Heather St. Pierre.
20 Lieutenant St. Pierre is from the Coast Guard
21 Environmental Standards Division. She is here
22 to speak today about the background of dry cargo
23 residue.

24 LT. ST. PIERRE: Thank you, Vince.
25 Well, first I would like to take this

1 opportunity to thank you all, everyone that did
2 come out today for this meeting, even though the
3 weather was quite warm. So we appreciate you
4 taking the time out of your busy schedules to
5 come here today.

6 First off, I would like to go over
7 just a little bit of background. I am not going
8 to go into too much detail, but I wanted to give
9 a little bit of background about the project.

10 First off, what are dry cargo
11 residues? Probably most people in the room now
12 do understand what they are. But essentially,
13 they are just residual cargo from loading and
14 unloading processes. It is cargo that falls on
15 the deck of the ships or underneath inside the
16 ship as well.

17 The vast majority of these residues
18 on the Great Lakes are coal, limestone and iron
19 ore, or taconite. And typically what has
20 happened, since dry cargoes have been shipped
21 around the Great Lakes, is that these residues
22 have been swept overboard. Essentially, it is
23 for vessel safety, for efficiency and for cost
24 as well.

25 Now, the reason why we are having

1 these meetings is the current regulations and
2 the current statute is based on the Act to
3 Prevent Pollution from Ships. And in order for
4 the United States to adopt MARPOL Annex V, as
5 they are interested in doing so, which MARPOL is
6 the International Convention for the Prevention
7 of Pollution from Ships [APPS], and Annex V,
8 which deals with garbage.

9 And specifically, when APPS was
10 modified, it had additional requirements for
11 inland waters. And that is specifically in
12 33 CFR 151.66, which prohibits the discharge of
13 garbage in navigable waters of the United
14 States.

15 And in our case, because cargo
16 residues are a subset or defined as garbage,
17 that makes it illegal, at least according to
18 this regulation.

19 However, in 1993, in consultation
20 with affected state and federal agencies, they
21 got together and came up with, along with the
22 Ninth Coast Guard District, they came up with
23 the Interim Enforcement Policy, known as the
24 IEP, which we will refer to throughout these
25 presentations.

1 Essentially what they did is they --
2 and this IEP, was renewed in 1995 and again in
3 1997. It was updated then.

4 Essentially what it does is it allows
5 the discharge of these dry cargo residues in set
6 distances from shore, depending on what the type
7 of the cargo residue is. And this applies only
8 to nontoxic, nonhazardous cargo residues. It
9 also applies to all U.S. vessels on the Great
10 Lakes, and it applies to all vessels of any
11 nation in U.S. waters on the Great Lakes.

12 So what is our regulatory authority
13 now that I have given you 33 CFR 151, which
14 prohibits the discharge of garbage?

15 In 1998, Congress had granted the
16 Coast Guard interim authority to enforce the
17 IEP. Specifically, they said the Commandant
18 shall enforce the Interim Enforcement Policy.
19 This was renewed again in 2000 and in 2004.

20 Congress also required Coast Guard to
21 complete an environmental assessment of the
22 Interim Enforcement Policy, and this was began
23 in 2004.

24 Lastly, Congress gave the Coast Guard
25 permanent authority, said: "Notwithstanding any

1 other law, the Commandant of the Coast Guard may
2 promulgate regulations governing the discharge
3 of dry bulk cargo residue on the Great Lakes."

4 And based on this authority that we
5 have, we had opened a docket and we have gone
6 through the regulatory process, and we are also
7 going through, in accordance with the
8 Administrative Procedure Act, as well as the
9 National Environmental Policy Act.

10 Specifically, when this regulatory
11 authority was granted and the conference report
12 prepared in support of the 2004 legislation, it
13 stated that it expected that the Interim
14 Enforcement Policy would be made permanent or
15 would be replaced with regulations that would
16 strike a balance between maritime commerce and
17 environmental protection.

18 So under these authorities, we are
19 proceeding with our analysis.

20 Without further ado, I would like to
21 introduce Ms. Susan Hathaway, who will discuss
22 the National Environmental Policy Act
23 procedures.

24 MS. HATHAWAY: Thank you, Heather.
25 Good afternoon. Thank you for being here. My

1 name is Susan Hathaway. I am a National
2 Environmental Policy Act Specialist at Coast
3 Guard headquarters.

4 It is important to begin this meeting
5 with a brief overview of the National
6 Environmental Policy Act, which from here
7 forward I am going to call NEPA, as well as some
8 of the steps that we have taken in the
9 preparation of the Environmental Impact
10 Statement, which is the document that we have
11 used to comply with NEPA. Essentially, NEPA is
12 one of the main reasons we are at this meeting
13 today.

14 In 1969, Congress passed NEPA to
15 create a national policy that requires Federal
16 agencies to consider environmental issues and
17 environmental consequences when we are creating
18 policies and programs. This is done during the
19 planning stages of any proposed Federal action.

20 In doing that, Congress intended the
21 main goals of NEPA's implementing procedures
22 entail that Federal agencies evaluate the
23 potential environmental impacts prior to taking
24 action, that we inform the public of our action
25 and its impact, and to encourage and facilitate

1 public involvement in our decision-making
2 processes.

3 I would also like to note that the
4 Environmental Protection Agency has assisted us
5 with the scope of the analysis and preparation
6 of the Environmental Impact Statement as a
7 cooperating agency as that is defined under
8 NEPA.

9 So our EIS is a public document that
10 describes the proposed rulemaking, alternatives
11 to that rulemaking and the environmental impacts
12 of the rulemaking and those alternatives.

13 Those alternatives include one called
14 the No Action alternative. That is to say, if
15 the Coast Guard did nothing, if we didn't make
16 any rule, and allowed the current Interim
17 Enforcement Policy to expire this fall, the EIS
18 evaluates and compares the impacts of those
19 alternatives for dry cargo residue and compares
20 them to one another and compares them to that No
21 Action alternative.

22 To adequately understand the
23 potential environmental impacts of any action,
24 all relevant data and input must be collected
25 and analyzed in the EIS. That collection of

1 information started quite some time ago.

2 Back in March of 2006, we announced
3 our intent to prepare the EIS in the Federal
4 Register and initiated what is called a scoping
5 process. That scoping process aided in our
6 collection of information and helped us zero in
7 on the issues that you, the public, and we, the
8 Coast Guard and EPA, thought were important.

9 We held a public scoping meeting in
10 July of 2006 here in Cleveland. The comments
11 that we received during that scoping period were
12 reviewed and are now addressed in the draft EIS.

13 In addition to those scoping
14 meetings, we also sought information through two
15 expert committees that convened to share
16 knowledge and references on existing conditions
17 in the lakes, to review methods and the results
18 of Coast Guard-sponsored dry cargo related
19 scientific investigations, and to provide advice
20 and data interpretation of those investigations.
21 All of that information is now represented in
22 the draft EIS.

23 This meeting today represents your
24 opportunity to comment on the alternatives, the
25 environmental impacts, or anything else that is

1 discussed in the EIS.

2 We are now in the comment period for
3 the draft EIS, which runs 60 days. It opened on
4 May 23rd, as Vince stated, and it will close on
5 July 22nd, next week.

6 So if you would like to comment
7 outside of today's meeting, please be sure to
8 have us your comments by next week. We will
9 then compile all those comments and make sure
10 that we have addressed any issues that you have
11 brought forth. We will prepare a final EIS at
12 that time.

13 After that final EIS is announced,
14 there will be another period for 30 days of
15 public review. If you are not on our mailing
16 list and you wish to be, please be sure to give
17 Nicole your information in the back there.

18 We welcome and look forward to your
19 comments today and thank you for coming. If you
20 think of a comment later on, you can always
21 submit that via mail or via the electronic
22 docket. We have got little cards with all of
23 that information on it and additional comment
24 sheets in the packet.

25 Thank you very much, and I will

1 introduce Mr. Greg Kirkbride, who is actually
2 going to discuss what we found in the EIS.

3 MR. KIRKBRIDE: Good afternoon and
4 thank you for being here. I am going to go into
5 some of the implementation of the NEPA and the
6 documentation.

7 The first step we looked at was
8 developing a statement of purpose and need, what
9 we would have to meet in conducting the NEPA
10 process. You can see the different elements of
11 that. One of the big things is, we want
12 regulations that are clear and concise and can
13 be understood by the public.

14 We discussed a little of the
15 background up to now. The main thing is we
16 found that we did have some lacking information,
17 and we had to use a rigorous scientific approach
18 to gather that information.

19 And that consisted of sampling and
20 mapping the lake bottom to see what DCR was
21 there and where it might be located. We
22 actually used an EPA vessel to do that. We used
23 analytical methods, laboratory experiments and
24 other methods of analyses. The main one, as an
25 example, would be analyzing the sediment.

1 And finally, we conducted extensive
2 literature searches to find out what information
3 already existed and what gaps we would have to
4 fill.

5 The alternatives process is extremely
6 important in the NEPA process. In those areas,
7 we developed a No Action alternative, which has
8 been described. And then we have four action
9 alternatives. And they are based on the Interim
10 Enforcement Policy, plus recordkeeping and
11 reporting. And the main reason for that would
12 be to gather more information.

13 And then, taking that basis, we have
14 applied the modified exclusion areas, looking at
15 where the IEP allows dry cargo sweeping. And
16 then looking at control measures. These would
17 be methods of reducing or preventing DCR.

18 An example would be if you covered a
19 conveyor. And these control measures could both
20 be on the shipboard side and on the shoreside at
21 a facility.

22 The next step is you have to look at
23 what is your environment that you would apply
24 these alternatives to. And we looked at the
25 Great Lakes environment from the water column

1 all the way to the bottom and below that, and we
2 have focused on the areas that you see here, the
3 resources that you see here.

4 They do have some subsets. We have
5 biological resources. We have protected and
6 sensitive areas that apply to those biological
7 resources.

8 And we look at the current condition
9 of these resources and stressors that can act on
10 these resources. In this case, it would be the
11 dry cargo sweepings.

12 The next step is to analyze the
13 environmental consequences of the application of
14 these alternatives to the different resources we
15 have listed.

16 The impacts that we observed started
17 with the No Action alternative. There we had no
18 adverse impact on the different resources until
19 you get to the socioeconomics, where we saw
20 considerable cost if we had to stop the
21 sweepings, which would occur if the No Action
22 alternative was implemented.

23 This is our measles chart, and this
24 was a way of summing up the different impacts of
25 the different alternatives. I put this up in

1 illustration that we did not find large impact
2 from the DCR. I will go into a little of the
3 specifics on that.

4 We determined that there would be no
5 impact for most of the areas, and that there
6 would be insignificant, or what we called minor
7 impact, on sediment physical structure,
8 protected and sensitive areas, the benthic
9 community, invasive species and commerce, under
10 certain conditions.

11 It is possible that a change in the
12 sediment physical structure could change the
13 ecology somewhat, in a small and localized area.

14 We also looked at protected and
15 sensitive areas and determined, with the IEP,
16 that there could be sweeping in certain of those
17 areas. And we also found that to have an
18 insignificant or minor impact.

19 Another area that we saw that we
20 needed to zero in on was the invasive mussels.
21 And in that case, we found that there may be a
22 preference of the mussels for areas where DCR
23 can create a hard substrate. That was compared
24 to soft soil, soft sediment as a control.

25 And finally, control measures could

1 impact the carriers and port facilities in an
2 economic sense through a cost basis.

3 So those were the areas where we did
4 find that there would be impacts.

5 And finally, with NEPA, you have an
6 obligation to look at cumulative impacts. Not
7 only what the action is, but also what other
8 actions, past, present and future might be going
9 on, and to see how the dry cargo residue
10 sweeping fits into that.

11 In this case, we determined that DCR
12 was a very small component of that, so we did
13 not find an impact.

14 And I am just going to run through
15 our action alternatives and highlight where the
16 impacts are. So this is a focus on what you
17 would look at in the measles chart.

18 For the Proposed Action, the main
19 thing we see here would be no adverse impact on
20 most of the areas, insignificant impact on the
21 benthic community and the invasive species. And
22 we could have an insignificant impact in certain
23 sensitive areas.

24 The proposed alternative with the
25 modified exclusion areas would reduce somewhat

1 the impact on the protected and sensitive areas,
2 where we would look at the whole IEP and see
3 what changes could be made.

4 And finally, we had the shipboard and
5 shoreside control measures, and the main impact
6 here would be on the socioeconomics, the
7 industry and shipping.

8 And similar with the shoreside
9 control measures.

10 Our preferred alternative is the
11 Interim Enforcement Policy, plus the
12 recordkeeping and reporting.

13 The main reason we are proposing this
14 is that we found insufficient information on the
15 effectiveness and the cost of control measures,
16 and this would allow us to do that.

17 The other thing that we have
18 incorporated is mitigation measures. We looked
19 at the protected and sensitive areas and we saw
20 six areas where we could modify them to reduce
21 the amount of DCR in those areas and apply that
22 to the policy, to the alternative.

23 And as I said, we did not propose
24 modified exclusion zones, because that is
25 another area where we need more information.

1 So we looked at the six areas, but we
2 did not incorporate all the areas, which would
3 allow us to look further into that.

4 And the mitigation measure could
5 apply to any of the alternatives, not just the
6 one that we prefer.

7 And that basically summarizes the
8 NEPA process and the documentation that we came
9 to with the DEIS.

10 And that concludes my presentation.

11 LT. ST. PIERRE: I am sorry, you
12 have to suffer with me for just one more quick
13 presentation, but I promise it will be short.

14 Now I would like to get to our actual
15 proposed rulemaking. Based on the findings that
16 Mr. Kirkbride has discussed, I am going to
17 briefly go through what our rulemaking contains.

18 So what are the objectives? This is
19 again what I had said. We wanted to balance
20 maritime commerce in environmental protection
21 when we are looking at this rulemaking
22 specifically.

23 Also, we wanted to seek alternatives
24 to the No Action or the zero discharge
25 regulations as they currently exist.

1 And as we have reported out in our
2 regulatory analysis, there are very minor
3 environmental -- I am sorry, I apologize -- the
4 National Environmental Policy Act in our Draft
5 Environmental Impact Statement, there are very
6 minor environmental benefits.

7 However, there is a very large
8 economic impact for the zero discharge
9 alternative, which is \$51 million just for
10 start-up and \$35 million annually in additional
11 cost.

12 So to summarize what is in our Notice
13 of Proposed Rulemaking or what we have published
14 in our document, the Coast Guard has basically
15 put it out to say that we are seeking to adopt
16 the Interim Enforcement Policy as a regulation.
17 That is what our proposal is. But this proposal
18 also includes six additional sensitive and
19 protected areas, which I will go over briefly.

20 Also in our proposed rulemaking, we
21 wanted to encourage the use, the voluntary use
22 of DCR control measures.

23 And, of course, as Greg has
24 mentioned, we wanted to also require, so that it
25 is mandatory, DCR reporting and recordkeeping,

1 which the form I will go through here just very
2 quickly.

3 And lastly, as Greg had mentioned,
4 because we don't have enough information, we
5 will also simultaneously launch a new docket and
6 formal regulation to collect additional
7 information on DCR control measures.

8 Since the Interim Enforcement Policy
9 has been out for many years, I didn't want to
10 bore everybody with all those details, since I
11 am sure most people are familiar with it. But
12 if you are not for some reason, please feel free
13 to look through your handout.

14 The Interim Enforcement Policy is on
15 the docket. It is also on our Web site, which
16 is on those little business cards that are on
17 the back table. I think everybody has got the
18 information, but if you have any questions about
19 that, please feel free to look at those
20 resources.

21 But specifically, one of the things
22 that we are changing or adding to the Interim
23 Enforcement Policy are these six sensitive and
24 protected areas:

25 The Detroit River National Wildlife

1 Refuge in Lake Erie; Northern Refuge in Lake
2 Michigan; Thunder Bay National Marine Sanctuary
3 in Lake Huron. That's where discharges will be
4 prohibited.

5 Green Bay and Lake Michigan we are
6 looking at limestone and clean stone only for
7 discharges for sweepings.

8 Isle Royale National Park in Lake
9 Superior would just be discharges of limestone
10 and clean stone only.

11 And lastly, in the Western Basin of
12 Lake Erie, it is a little bit trickier area to
13 manage, limestone and clean stone on some
14 routes, and other DCRs permitted but in the
15 dredged channel only.

16 So these are the changes that we
17 would be proposing to the Interim Enforcement
18 Policy.

19 This is strictly based on the
20 mitigation measures that Greg Kirkbride had
21 mentioned when he was presenting on the results
22 of the DEIS.

23 Also, too, I had mentioned that we
24 were looking at voluntary DCR control measures
25 for vessels and facilities. We wanted to

1 encourage the use of these measures. I think
2 many industries are very familiar with these
3 because many have reported out to us that they
4 are using these.

5 But they are very simple, considering
6 brooms and shovels, enclosed conveyors, water
7 for dust control, just communicating for control
8 to reduce residue, as well as crew training. So
9 these are just several examples.

10 But what we are specifically asking
11 is if anybody has any new control measures. And
12 what we will be proposing is that if people have
13 new things that find that they work very well to
14 reduce DCR, we would like to know about those as
15 well.

16 And as I had mentioned before, we are
17 looking at mandatory reporting and
18 recordkeeping. We would like people to record
19 and report the voluntary use of control measures
20 and what they used, the type and estimated
21 amounts of the DCR that they are planning on
22 discharging. This is after each loading and
23 unloading event.

24 And then once the DCR is swept
25 overboard, we want you to record that

1 information, latitude, longitude and speed.

2 Then we would like you to submit
3 those reports on a quarterly basis. I am trying
4 to make it a little bit easier. You can submit
5 them in a group.

6 Then we are asking carriers to keep
7 those records on board for two years. And this
8 will apply to U.S. carriers anywhere on the
9 Great Lakes and to any foreign-flag vessel
10 carrier operating in U.S. waters.

11 This isn't exactly the -- I am not
12 expecting you guys to read the form up here, but
13 this is in your packet. This is the DCR
14 reporting form that we are proposing. And
15 essentially, it captures those elements that I
16 had mentioned.

17 During each loading and unloading, we
18 would like you to record what control measures
19 you used. And then estimate the amount of
20 residue that you plan to sweep overboard. Then
21 when the vessel conducts the sweepings, we would
22 like that amount to be recorded as well, an
23 estimate -- or I am sorry, excuse me. We want
24 the position and the vessel speed to be
25 reported.

1 On the second page, this is the list
2 of control measures that we have for both
3 facilities and vessels. And again, this is not
4 a comprehensive list. So we are asking in our
5 proposed rule, and if this is a final rule, that
6 people record any new control measures that they
7 have found that have been successful to reduce
8 DCR.

9 But again, this back side is also in
10 your handout as well.

11 And as I had mentioned before, when a
12 final rule is published on this regulation, we
13 intend to publish also an advanced Notice of
14 Proposed Rulemaking. And this essentially is
15 going to deal with control measures.

16 As Greg Kirkbride had mentioned, we
17 don't have enough data at this time on control
18 measures about their cost and effectiveness. So
19 based on the recordkeeping, we would like to
20 look a little bit deeper into this issue to try
21 to mitigate further any dry cargo residues that
22 go over into the Great Lakes.

23 And that's all I have for the
24 background of the proposed rule. At this time,
25 I will turn it over to Mr. Berg. Thank you.

1 MR. BERG: Does anybody else
2 have anything to say? Nobody? Okay.

3 Now we would like to move into the
4 comment period. We would like to open the floor
5 up to the public for comments. A few ground
6 rules, as you see on the board, that we would
7 like to go over.

8 This is your opportunity to comment
9 on the contents of the NPRM and DEIS and we
10 would like to receive these comments. If you
11 have a question about the content of these
12 documents, we kindly ask that you provide them
13 in the form of a comment.

14 Please use the microphone provided in
15 the middle of the room, as for this meeting is
16 being recorded.

17 Please state your name, affiliation
18 and whether you are commenting on the NPRM, the
19 DEIS or both.

20 Please limit your comment to five
21 minutes. I will raise my hand at the
22 four-minute mark and ask you to wrap up your
23 comment. After all registered speakers have
24 provided remarks, if time permits, previous
25 speakers may provide an additional three minutes

1 for a comment.

2 Written comments may be supplied as
3 well.

4 Please remember, you are in the
5 presence of a stenographer who is recording an
6 official transcript that will be entered into
7 the docket for public review.

8 After the comment period here, the
9 stenographer will also be available for
10 additional comments if you would feel more
11 comfortable in a less formal setting.

12 I believe today we only have one,
13 Mr. Nekvasil.

14 MR. NEKVASIL: Thank you. My name
15 is Glen Nekvasil, and I am Vice President of
16 Corporate Communications for the Lake Carriers'
17 Association, and I am going to be commenting on
18 the NPRM.

19 First, a couple words about Lake
20 Carriers' Association. We represent the U.S.
21 flag vessel operators on the Great Lakes. We
22 have 16 members in total. They operate 63
23 vessels. In 2007, we moved 104 million tons of
24 cargo. Iron ore, coal, and limestone are our
25 primary cargoes.

1 We are here today to support the
2 continuation of the washdown policy. Your Draft
3 Environmental Impact Statement finds hardly any
4 effects from dry cargo residue washdown. Yet,
5 the practice does allow industry to be as
6 efficient as possible while respecting the
7 environment.

8 I think it is very important that
9 everybody understand that these cargo residues
10 are nonhazardous and nontoxic. Most of the raw
11 materials that move on the Great Lakes basically
12 move in their natural state or as they are
13 mined.

14 Limestone and coal, for example, are
15 sized, sometimes they are rinsed. Iron ore, or
16 more appropriately taconite, they do add some
17 clay to it during the pelletizing process. But
18 again, it is largely as it comes out of the
19 ground.

20 The amount of dry cargo residue is
21 truly minute. The Draft Environmental Impact
22 Statement, the trades and the vessels that they
23 studied moved 165 million tons of cargo, yet the
24 amount of DCR that was washed over was only 500
25 tons. That is equal to 0.0006 percent of the

1 cargo transported on the lakes.

2 The highest density of cargo residue
3 on a per acre basis, and that's coal on Lake
4 Erie, is the equivalent of three cups of coal
5 spread evenly over a football field.

6 And if I may, this is three cups of
7 coal. (Indicating.) Spread it evenly over a
8 football field, that is the kind of impact that
9 we are talking about, pretty minute.

10 Just in case someone is saying that
11 the coal trade on Lake Erie must be
12 insignificant, the ports in recent years have
13 been shipping about 15 million tons a year.
14 That trade has actually decreased. If you were
15 to turn the clock back to 1950, Lake Erie coal
16 loading has topped 50 million tons.

17 Again, to repeat, these cargo
18 residues are nonhazardous, nontoxic. The Draft
19 Environmental Impact Statement declares that
20 they are generally chemically benign.

21 And more importantly, the
22 Environmental Impact Statement declares the
23 effects of over a century of DCR sweeping on
24 sediment quality or biological resources are
25 barely detectable. I stress, they are barely

1 detectable.

2 So, we endorse continuation of the
3 washdown policy. We understand the rationale
4 for the slight expansion of the no discharge
5 zones. But we do note that the DEIS said that
6 if it had been continued in those areas, the
7 impacts would have been almost imperceptible.

8 The Notice of Proposed Rulemaking
9 encourages vessel operators to use voluntary
10 measures to reduce DCR.

11 This one strikes us as a disconnect.
12 The industry is taking voluntary steps to reduce
13 DCR. The minute amounts that are washed over is
14 proof positive of that.

15 Even some of your handouts back
16 there, your displays, shows the vessels having
17 belt scrapers. We shovel cargo back into the
18 holds. We shovel cargo back onto the conveyor
19 belts.

20 I don't want anybody thinking that
21 this is a case if a vessel operator would buy a
22 few more brooms or a few more shovels, that
23 there would never be any DRC.

24 The rulemaking would also make
25 mandatory the recordkeeping that we are doing

1 now on a voluntary basis. We do not think this
2 is necessary. We have been studying this issue
3 now for ten years. The studies, as I said, ten
4 years.

5 And the dry bulk trades on the Great
6 Lakes have existed for a long, long time.
7 Marquette, Michigan has been shipping iron ore
8 since 1852, Duluth since 1892, and we have moved
9 tremendous amounts of cargo on the Great Lakes.

10 Since 1900, the iron ore trade is 7.1
11 billion tons, coal is 4.1 billion tons,
12 limestone is 2.2 billion tons. So when they
13 went down and got their samples off the lake
14 bottom and off the harbor bottom, they were
15 looking at the impacts of a tremendous amount of
16 cargo moved over a tremendous amount of time.

17 So we do not feel that additional
18 recordkeeping or studies are merited. The only
19 instance would be if there was a new dry bulk
20 trade to begin on the Great Lakes.

21 So in summation, again, the practice
22 of cargo residue washdown can continue without
23 any harm to the environment. There is no need
24 for further studies or recordkeeping. There are
25 no unanswered questions. Thank you.

1 MR. BERG: Thank you, sir.

2 Does anybody else have any other comments?

3 We want to thank you all for your
4 participation and interest. Your comments are
5 very productive and important to us. If you
6 have not already visited our displays in the
7 back of the room; please feel free to do so.
8 There will be representatives at the display to
9 assist you.

10 However, your verbal comments while
11 at the displays will not be recorded. We again
12 encourage you to provide a written comment. If
13 you are traveling, have a safe trip. Thank you
14 very much. Meeting adjourned.

15 (Thereupon, the proceedings were
16 concluded at 1:45 o'clock p.m.)

17 - - -

18

19

20

21

22

23

24

25

C E R T I F I C A T E

STATE OF OHIO,)
) SS:
SUMMIT COUNTY,)

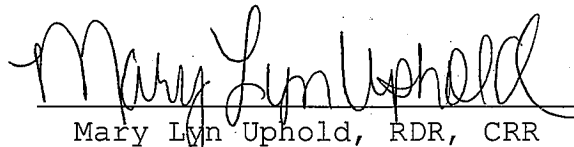
I, Mary Lyn Uphold, a Registered Diplomate Reporter, Certified Realtime Reporter and Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that these proceedings were taken by me and reduced to Stenotypy, afterwards prepared and produced by means of Computer-Aided Transcription and that the foregoing is a true and correct transcription of the proceedings so taken as aforesaid.

I do further certify that these proceedings were taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, employee of or attorney for any party or counsel, or otherwise financially interested in this action.

I do further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Akron, Ohio on this 24th day of July, 2008.


Mary Lyn Uphold, RDR, CRR

My commission expires May 30, 2012.

- - -

<p>A</p> <p>above-entitled 1:14</p> <p>acre 30:3</p> <p>act 3:14 7:2 9:8,9,22 10:2,6 16:9 21:4</p> <p>action 10:19,24,24 11:14,21,23 15:7,8 16:17,21 18:7,15,18 20:24 34:13</p> <p>actions 18:8</p> <p>actual 20:14</p> <p>add 29:16</p> <p>adding 22:22</p> <p>addition 12:13</p> <p>additional 3:25 7:10 13:23 21:10,18 22:6 27:25 28:10 32:17</p> <p>addressed 12:12 13:10</p> <p>adequately 11:22</p> <p>adjourned 33:14</p> <p>administrative 3:13 5:14 9:8</p> <p>ado 9:20</p> <p>adopt 7:4 21:15</p> <p>advanced 26:13</p> <p>adverse 16:18 18:19</p> <p>advice 12:19</p> <p>affiliated 34:15</p> <p>affiliation 27:17</p> <p>affixed 34:16</p> <p>aforesaid 34:10</p> <p>afternoon 3:1 9:25 14:3</p> <p>agencies 7:20 10:16 10:22</p> <p>agency 3:14,17,17 11:4,7</p> <p>ago 12:1</p> <p>aided 12:5</p> <p>Akron 34:16</p> <p>allow 19:16 20:3 29:5</p> <p>allowed 11:16</p> <p>allows 8:4 15:15</p> <p>alternative 11:14,21 15:7 16:17,22 18:24 19:10,22 21:9</p> <p>alternatives 11:10,12</p>	<p>11:13,19 12:24 15:5 15:9,24 16:14,25 18:15 20:5,23</p> <p>amount 19:21 25:19 25:22 29:20,24 32:15,16</p> <p>amounts 24:21 31:13 32:9</p> <p>analyses 14:24</p> <p>analysis 9:19 11:5 21:2</p> <p>analytical 14:23</p> <p>analyze 16:12</p> <p>analyzed 11:25</p> <p>analyzing 14:25</p> <p>Annex 7:4,7</p> <p>announced 12:2 13:13</p> <p>annually 21:10</p> <p>anybody 3:7 24:11 27:1 31:20 33:2</p> <p>apologize 21:3</p> <p>APPEARANCES 2:1</p> <p>application 16:13</p> <p>applied 15:14</p> <p>applies 8:7,9,10</p> <p>apply 15:23 16:6 19:21 20:5 25:8</p> <p>appreciate 6:3</p> <p>approach 14:17</p> <p>appropriately 29:16</p> <p>APPS 7:7,9</p> <p>area 17:13,19 19:25 23:12</p> <p>areas 15:6,14 16:2,6 17:5,8,15,17,22 18:3,20,23,25 19:1 19:19,20,21 20:1,2 21:19 22:24 31:6</p> <p>asking 24:10 25:6 26:4</p> <p>assessment 8:21</p> <p>assist 33:9</p> <p>assisted 11:4</p> <p>Association 28:17,20</p> <p>attorney 34:12</p> <p>authorities 9:18</p> <p>authority 8:12,16,25 9:4,11</p>	<p>available 28:9</p> <p>avenue 3:10</p> <p>B</p> <p>back 4:13,23 5:11 12:2 13:17 22:17 26:9 30:15 31:15,17 31:18 33:7</p> <p>background 3:25 5:6 5:22 6:7,9 14:15 26:24</p> <p>balance 9:16 20:19</p> <p>barely 30:25,25</p> <p>based 7:2 9:4 15:9 20:15 23:19 26:19</p> <p>basically 20:7 21:14 29:11</p> <p>Basin 23:11</p> <p>basis 15:13 18:2 25:3 30:3 32:1</p> <p>Bay 23:2,5</p> <p>began 8:22</p> <p>believe 28:12</p> <p>belt 31:17</p> <p>belts 31:19</p> <p>benefits 21:6</p> <p>benign 30:20</p> <p>benthic 17:8 18:21</p> <p>Berg 2:3 3:1,3 26:25 27:1 33:1</p> <p>big 14:11</p> <p>billion 32:11,11,12</p> <p>biological 16:5,6 30:24</p> <p>bit 6:7,9 23:12 25:4 26:20</p> <p>board 25:7 27:6</p> <p>bore 22:10</p> <p>bottom 14:20 16:1 32:14,14</p> <p>Bray 2:7</p> <p>brief 10:5</p> <p>briefly 4:1 20:17 21:19</p> <p>brooms 24:6 31:22</p> <p>brought 13:11</p> <p>bulk 9:3 32:5,19</p> <p>business 22:16</p> <p>busy 6:4</p>	<p>buy 31:21</p> <p>C</p> <p>C 34:1,1</p> <p>call 3:23 10:7</p> <p>called 11:13 12:4 17:6</p> <p>caption 34:11</p> <p>captures 25:15</p> <p>card 5:16</p> <p>cards 13:22 22:16</p> <p>cargo 1:4 3:2,12,23 5:22 6:10,13,14 7:15 8:5,7,8 9:3 11:19 12:18 15:15 16:11 18:9 26:21 28:24 29:4,9,20,23 30:1,2,17 31:17,18 32:9,16,22</p> <p>cargoes 6:20 28:25</p> <p>carrier 25:10</p> <p>carriers 18:1 25:6,8 28:16,20</p> <p>case 7:15 16:10 17:21 18:11 30:10 31:21</p> <p>cell 3:7</p> <p>Center 1:15,15</p> <p>century 30:23</p> <p>certain 17:10,16 18:22</p> <p>Certified 34:6</p> <p>certify 34:7,10,12,14</p> <p>CFR 7:12 8:13</p> <p>change 17:11,12</p> <p>changes 19:3 23:16</p> <p>changing 22:22</p> <p>channel 23:15</p> <p>chart 16:23 18:17</p> <p>chemically 30:20</p> <p>Civil 34:15</p> <p>clay 29:17</p> <p>clean 23:6,10,13</p> <p>clear 14:12</p> <p>Cleveland 1:7,15,16 12:10</p> <p>clock 30:15</p> <p>close 13:4</p> <p>coal 6:18 28:24 29:14 30:3,4,7,11,15</p>
--	--	--	--

32:11 Coast 3:19 5:7,20 7:22 8:16,20,24 9:1 10:2 11:15 12:8,18 21:14 collect 3:18 22:6 collected 11:24 collection 11:25 12:6 column 15:25 come 6:2,5 comes 29:18 comfortable 28:11 coming 13:19 Commandant 8:17 9:1 commencing 1:17 comment 3:2 4:7,15 4:19 5:2,9,12,15 12:24 13:2,6,20,23 27:4,8,13,20,23 28:1,8 33:12 commenting 27:18 28:17 comments 3:11,16,18 4:6,10,19 5:3 12:10 13:8,9,19 27:5,10 28:2,10 33:2,4,10 commerce 9:16 17:9 20:20 commission 34:24 commissioned 34:7 committees 12:15 communicating 24:7 Communications 28:16 community 17:9 18:21 compared 17:23 compares 11:18,19 11:20 compile 13:9 complete 8:21 comply 10:11 component 18:12 comprehensive 26:4 Computer-Aided 34:8 concerning 3:22 concise 14:12	concluded 33:16 concludes 20:10 condition 16:8 conditions 12:16 17:10 conducted 15:1 conducting 14:9 conducts 25:21 conference 1:15 9:11 Congress 8:15,20,24 10:14,20 consequences 10:17 16:13 consider 10:16 considerable 16:20 consideration 3:16 considering 24:5 consisted 14:19 consultation 7:19 contains 20:17 content 4:1,17 27:11 contents 27:9 continuation 29:2 31:2 continue 32:22 continued 31:6 contract 34:15 control 15:16,19 17:24,25 19:5,9,15 21:22 22:7 23:24 24:7,7,11,19 25:18 26:2,6,15,17 convened 12:15 Convention 7:6 conveyor 15:19 31:18 conveyors 24:6 cooperating 11:7 Corporate 28:16 correct 34:9 cost 6:23 16:20 18:2 19:15 21:11 26:18 counsel 34:13 COUNTY 34:3 couple 28:19 course 21:23 court 34:14 covered 15:18 create 10:15 17:23 creating 10:17	crew 24:8 CRR 34:23 cumulative 18:6 cups 30:4,6 current 7:1,2 11:16 16:8 currently 20:25 <hr/> D <hr/> data 11:24 12:20 26:17 day 1:17 34:17 days 13:3,14 DCR 3:23 5:6 14:20 15:17 17:2,22 18:11 19:21 21:22,25 22:7 23:24 24:14,21,24 25:13 26:8 29:24 30:23 31:10,13 DCRs 23:14 deal 26:15 deals 7:8 decision-making 11:1 deck 6:15 declares 30:19,22 decreased 30:14 deeper 26:20 defined 7:16 11:7 34:15 DEIS 4:3,5,17 20:9 23:22 27:9,19 31:5 density 30:2 depending 8:6 described 15:8 describes 11:10 detail 6:8 details 22:10 detectable 30:25 31:1 determined 17:4,15 18:11 Detroit 22:25 developed 15:7 developing 14:8 development 3:4 different 14:10 16:14 16:18,24,25 Diplomate 34:5 discharge 3:22 7:12	8:5,14 9:2 20:24 21:8 31:4 discharges 1:4 3:12 23:3,7,9 discharging 24:22 disconnect 31:11 discuss 5:6 9:21 14:2 discussed 13:1 14:14 20:16 display 33:8 displays 31:16 33:6 33:11 distances 8:6 District 7:22 Division 5:21 docket 5:4 9:5 13:22 22:5,15 28:7 document 4:12 10:10 11:9 21:14 documentation 14:6 20:8 documents 27:12 doing 7:5 10:20 31:25 draft 4:2 12:12,22 13:3 21:4 29:2,21 30:18 DRC 31:23 dredged 23:15 dry 1:4 3:2,11,23 5:22 6:10,20 8:5 9:3 11:19 12:18 15:15 16:11 18:9 26:21 29:4,20 32:5,19 Duluth 32:8 duly 34:6 dust 24:7 <hr/> E <hr/> E 34:1,1 easier 25:4 East 1:16 ecology 17:13 economic 18:2 21:8 effectiveness 19:15 26:18 effects 29:4 30:23 efficiency 6:23 efficient 29:6
---	--	---	---

16:16,24 18:4,6,16 31:7 32:15 imperceptible 31:7 implementation 14:5 implemented 16:22 implementing 10:21 important 10:4 12:8 15:6 29:8 33:5 importantly 30:21 include 11:13 includes 21:18 incorporate 20:2 incorporated 19:18 Indicating 30:7 industries 24:2 industry 19:7 29:5 31:12 inform 10:24 information 4:18 12:1,6,14,21 13:17 13:23 14:16,18 15:2 15:12 19:14,25 22:4 22:7,18 25:1 initiated 12:4 inland 7:11 input 4:4 11:24 inside 6:15 insignificant 17:6,18 18:20,22 30:12 instance 32:19 insufficient 19:14 intend 26:13 intended 10:20 intent 12:3 interest 33:4 interested 7:5 34:13 interim 7:23 8:16,18 8:22 9:13 11:16 15:9 19:11 21:16 22:8,14,22 23:17 International 7:6 interpretation 12:20 introduce 5:13,17 9:21 14:1 introducing 5:18 invasive 17:9,20 18:21 investigations 12:19 12:20	involvement 11:1 iron 6:18 28:24 29:15 32:7,10 Isle 23:8 issue 26:20 32:2 issues 3:14 10:16 12:7 13:10 <hr/> J <hr/> Jeff 2:7 July 1:9,17 4:8 12:10 13:5 34:17 <hr/> K <hr/> keep 25:6 kind 30:8 kindly 27:12 Kirkbride 2:6 14:1,3 20:16 23:20 26:16 know 5:12,16 24:14 knowledge 12:16 known 7:23 <hr/> L <hr/> laboratory 14:23 lacking 14:16 lake 14:20 23:1,1,3,5 23:8,12 28:16,19 30:3,11,15 32:13 lakes 1:5 3:12,22 6:18,21 8:10,11 9:3 12:17 15:25 25:9 26:22 28:21 29:11 30:1 32:6,9,20 large 17:1 21:7 largely 29:18 lastly 8:24 22:3 23:11 latitude 25:1 launch 22:5 law 9:1 legislation 9:12 Lieutenant 5:19,20 limestone 6:18 23:6,9 23:13 28:24 29:14 32:12 limit 27:20 list 13:16 26:1,4 listed 16:15 literature 15:2	little 6:7,9 13:22 14:14 17:2 22:16 23:12 25:4 26:20 loading 6:13 24:22 25:17 30:16 localized 17:13 located 14:21 long 32:6,6 longitude 25:1 look 4:5 13:18 15:22 16:8 18:6,17 19:2 20:3 22:13,19 26:20 looked 14:7 15:24 17:14 19:18 20:1 looking 15:14,16 20:21 23:6,24 24:17 32:15 Lt 2:4,7 5:24 20:11 Lyn 34:5,23 <hr/> M <hr/> mail 13:21 mailing 13:15 main 10:12,21 14:15 14:24 15:11 18:18 19:5,13 majority 6:17 manage 23:13 management 3:4 mandatory 21:25 24:17 31:25 mapping 14:20 March 12:2 Marine 23:2 maritime 9:16 20:20 mark 27:22 MARPOL 7:4,5 Marquette 32:7 Mary 34:5,23 materials 29:11 matter 1:14 means 34:8 measles 16:23 18:17 measure 20:4 measures 15:16,19 17:25 19:5,9,15,18 21:22 22:7 23:20,24 24:1,11,19 25:18 26:2,6,15,18 31:10	meet 14:9 meeting 1:2 3:3,9 6:2 10:4,12 12:9,23 13:7 27:15 33:14 meetings 3:18 7:1 12:14 members 28:22 mentioned 21:24 22:3 23:21,23 24:16 25:16 26:11,16 merited 32:18 methods 12:17 14:23 14:24 15:17 Michigan 23:2,5 32:7 microphone 4:20 5:15 27:14 middle 4:20 27:15 million 21:9,10 28:23 29:23 30:13,16 mined 29:13 minor 17:6,18 21:2,6 minute 29:21 30:9 31:13 minutes 27:21,25 mitigate 26:21 mitigation 19:18 20:4 23:20 modified 7:10 15:14 18:25 19:24 modify 19:20 move 27:3 29:11,12 moved 28:23 29:23 32:8,16 mussels 17:20,22 <hr/> N <hr/> name 10:1 27:17 28:14 nation 8:11 national 9:9,22 10:1 10:5,15 21:4 22:25 23:2,8 natural 29:12 navigable 7:13 navigate 4:14 necessary 5:16 32:2 need 14:8 19:25 32:23 needed 17:20
--	---	---	---

Nekvasil 28:13,14,15 NEPA 5:6 10:7,11,11 10:14 11:8 14:5,9 15:6 18:5 20:8 NEPA's 10:21 never 31:23 new 3:14,21 22:5 24:11,13 26:6 32:19 Nicole 13:17 Ninth 1:16 7:22 nonhazardous 8:8 29:10 30:18 nontoxic 8:8 29:10 30:18 Northern 23:1 Notary 34:6 note 11:3 31:5 Notice 3:20 21:12 26:13 31:8 Notwithstanding 8:25 NPRM 3:21 4:4 27:9 27:18 28:18	overview 10:5 o'clock 1:18 33:16	potential 10:23 11:23 practice 29:5 32:21 prefer 4:14 5:1 20:6 preference 17:22 preferred 19:10 preparation 10:9 11:5 prepare 12:3 13:11 prepared 9:12 34:8 presence 28:5 present 4:1,2 18:8 presentation 20:10 20:13 presentations 5:8 7:25 presenters 5:5 presenting 23:21 President 28:15 pretty 30:9 Prevent 7:3 preventing 15:17 Prevention 7:6 previous 27:24 primary 28:25 prior 10:23 privacy 4:25 privately 5:2 Probably 6:11 Procedure 3:13 9:8 procedures 9:23 10:21 proceeding 9:19 proceedings 1:19 33:15 34:7,9,10 process 3:25 5:6 9:6 12:5,5 14:10 15:5,6 20:8 29:17 processes 6:14 11:2 produced 34:8 productive 33:5 programs 10:18 prohibited 23:4 prohibits 7:12 8:14 project 3:4 6:9 promise 20:13 promulgate 9:2 proof 31:14 proposal 5:7 21:17 21:17	propose 19:23 proposed 3:11,21 4:1 4:17 10:19 11:10 18:18,24 20:15 21:13,20 26:5,14,24 31:8 proposing 19:13 23:17 24:12 25:14 protected 16:5 17:8 17:14 19:1,19 21:19 22:24 protection 9:17 11:4 20:20 provide 3:10,15,24 4:10,18 12:19 27:12 27:25 33:12 provided 4:19,22 27:14,24 public 1:2 3:2,10,15 3:17 4:7,11 5:4,4,9 10:24 11:1,9 12:7,9 13:15 14:13 27:5 28:7 34:6 publish 26:13 published 3:20 21:13 26:12 purpose 14:8 purposes 3:9 put 3:8 4:15 16:25 21:15 p.m 1:18 33:16
<hr/> O			<hr/> Q
objectives 20:18 obligation 18:6 observed 16:16 occur 16:21 office 34:16 official 28:6 Ohio 1:7,16 34:2,6,17 Okay 27:2 once 24:24 open 5:8 27:4 opened 9:5 13:3 operate 28:22 operating 25:10 operator 31:21 operators 28:21 31:9 opportunity 3:15 6:1 12:24 27:8 orally 4:11 order 7:3 ore 6:19 28:24 29:15 32:7,10 outside 13:7 overboard 6:22 24:25 25:20	packet 13:24 25:13 packets 4:23 page 26:1 PANEL 2:1 Park 23:8 part 5:14 participation 33:4 party 34:12 passed 10:14 pelletizing 29:17 people 6:11 22:11 24:12,18 26:6 percent 29:25 period 4:8 12:11 13:2 13:14 27:4 28:8 permanent 8:25 9:14 permits 27:24 permitted 23:14 pertaining 4:16 phones 3:7 physical 17:7,12 Pierre 2:4 5:19,20,24 20:11 place 34:11 placed 4:11 5:3 plan 25:20 planning 10:19 24:21 please 3:7 5:10 13:7 13:16 22:12,19 27:14,17,20 28:4 33:7 plus 15:10 19:11 policies 10:18 policy 7:23 8:18,22 9:9,14,22 10:2,6,15 11:17 15:10 19:11 19:22 21:4,16 22:8 22:14,23 23:18 29:2 31:3 Pollution 7:3,7 port 18:1 ports 30:12 position 25:24 positive 31:14 possible 17:11 29:6		qualified 34:7 quality 30:24 quarterly 25:3 question 27:11 questions 4:16 22:18 32:25 quick 20:12 quickly 22:2 quite 6:3 12:1
			<hr/> R
			R 34:1 raise 27:21 rationale 31:3 raw 29:10 RDR 34:23

read 25:12 Realtime 34:6 reason 6:25 15:11 19:13 22:12 reasons 10:12 receive 27:10 received 4:24 12:11 receiving 4:6 record 5:14 24:18,25 25:18 26:6 recorded 4:21 25:22 27:16 33:11 recording 28:5 recordkeeping 15:10 19:12 21:25 24:18 26:19 31:25 32:18 32:24 records 25:7 reduce 18:25 19:20 24:8,14 26:7 31:10 31:12 reduced 34:8 reducing 15:17 refer 7:24 references 12:16 Refuge 23:1,1 Register 3:20 12:4 registered 27:23 34:5 regulation 7:18 21:16 22:6 26:12 regulations 3:11,14 3:21 7:1 9:2,15 14:12 20:25 regulatory 3:3 8:12 9:6,10 21:2 related 12:18 relative 34:12 relevant 11:24 remain 5:1 remarks 27:24 remember 28:4 REMEMBERED 1:13 reminder 4:7 5:3 renewed 8:2,19 repeat 30:17 replaced 9:15 report 9:11 24:19 reported 21:1 24:3	25:25 Reporter 34:6,6 reporting 15:11 19:12 21:25 24:17 25:14 34:14 reports 25:3 represent 28:20 representatives 33:8 represented 12:21 represents 12:23 require 21:24 required 8:20 requirements 7:10 requires 10:15 residual 6:13 residue 1:4 3:2,12,23 5:23 8:7 9:3 11:19 18:9 24:8 25:20 29:4,20 30:2 32:22 residues 6:11,17,21 7:16 8:5,8 26:21 29:9 30:18 resources 16:3,5,7,9 16:10,14,18 22:20 30:24 respecting 29:6 results 12:17 23:21 review 12:17 13:15 28:7 reviewed 12:12 rigorous 14:17 rinsed 29:15 River 22:25 room 4:13,21,23 5:11 6:11 27:15 33:7 routes 23:14 Royale 23:8 rule 4:1,17 11:16 26:5,5,12,24 34:15 rulemaking 3:21,25 11:10,11,12 20:15 20:17,21 21:13,20 26:14 31:8,24 rules 27:6 run 18:14 runs 13:3	safety 6:23 samples 32:13 sampling 14:19 Sanctuary 23:2 saw 16:19 17:19 19:19 saying 30:10 schedules 6:4 scientific 12:19 14:17 scope 11:5 scoping 12:4,5,9,11 12:13 scrapers 31:17 seal 34:16 searches 15:2 second 26:1 sediment 14:25 17:7 17:12,24 30:24 see 14:10,20 16:2,3 18:9,19 19:2 27:6 seek 20:23 seeking 4:4 21:15 sense 18:2 sensitive 16:6 17:8,15 18:23 19:1,19 21:18 22:23 set 8:5 34:16 setting 28:11 share 12:15 sheet 5:13 sheets 13:24 ship 6:16 shipboard 15:20 19:4 shipped 6:20 shipping 19:7 30:13 32:7 ships 6:15 7:3,7 shore 8:6 shoreside 15:20 19:5 19:8 short 20:13 shovel 31:17,18 shovels 24:6 31:22 shows 4:13 31:16 side 15:20 26:9 signed 5:11 sign-in 5:13 similar 19:8 simple 24:5	simultaneously 22:5 sir 33:1 site 4:14,15 22:15 six 19:20 20:1 21:18 22:23 sized 29:15 slight 31:4 small 17:13 18:12 socioeconomics 16:19 19:6 soft 17:24,24 soil 17:24 somewhat 17:13 18:25 sorry 20:11 21:3 25:23 sought 12:14 speak 5:22 speakers 27:23,25 Specialist 10:2 species 17:9 18:21 specifically 7:9,11 8:17 9:10 20:22 22:21 24:10 specifics 17:3 specified 34:11 speed 25:1,24 spread 30:5,7 SS 34:3 St 2:4 5:19,20,24 20:11 stages 10:19 Standards 5:21 start 5:18 started 12:1 16:16 start-up 21:10 state 7:20 27:17 29:12 34:2,6 stated 9:13 13:4 statement 4:3 5:2 10:10 11:6 14:8 21:5 29:3,22 30:19 30:22 States 7:4,14 statute 7:2 stenographer 4:22,25 28:5,9 Stenotypy 34:8 step 14:7 15:22 16:12
---	---	---	--

steps 10:8 31:12 stone 23:6,10,13 stop 16:20 Street 1:16 stress 30:25 stressors 16:9 strictly 23:19 strike 9:16 strikes 31:11 structure 17:7,12 studied 29:23 studies 32:3,18,24 studying 32:2 submit 3:10,16 13:21 25:2,4 subset 7:16 subsets 16:4 substrate 17:23 successful 26:7 suffer 20:12 summarize 21:12 summarizes 20:7 summation 32:21 summing 16:24 SUMMIT 34:3 Superior 23:9 supplied 28:2 support 9:12 29:1 supporting 4:5 sure 5:10 13:7,9,16 22:11 Susan 2:5 9:21 10:1 sweep 25:20 sweeping 15:15 17:16 18:10 30:23 sweepings 16:11,21 23:7 25:21 swept 6:22 24:24	26:25 28:14 32:25 33:1,3,13 thing 14:15 18:19 19:17 things 14:11 22:21 24:13 think 13:20 22:17 24:1 29:8 32:1 thinking 31:20 thought 12:8 three 27:25 30:4,6 Thunder 23:2 Thursday 1:17 time 1:18 3:6 6:4 12:1 13:12 26:17,24 27:24 32:6,16 34:11 today 3:5,24 5:22 6:2 6:5 10:13 12:23 13:19 28:12 29:1 today's 13:7 tons 28:23 29:23,25 30:13,16 32:11,11 32:12 topped 30:16 total 28:22 trade 30:11,14 32:10 32:20 trades 29:22 32:5 training 24:8 transcript 28:6 transcription 34:9,9 transported 30:1 traveling 33:13 tremendous 32:9,15 32:16 trickier 23:12 trip 33:13 true 34:9 truly 29:21 try 26:20 trying 25:3 turn 3:8 26:25 30:15 two 12:14 25:7 type 8:6 24:20 typically 6:19	understand 6:12 11:22 29:9 31:3 understood 14:13 United 7:4,13 unloading 6:14 24:23 25:17 updated 8:3 Uphold 34:5,23 use 14:17 21:21,21 24:1,19 27:14 31:9 U.S 8:9,11 25:8,10 28:20	Web 4:14,15 22:15 week 4:9 13:5,8 welcome 3:2 13:18 went 32:13 Western 23:11 WHEREOF 34:16 Wildlife 22:25 wish 5:14 13:16 WITNESS 34:16 words 28:19 work 24:13 wrap 27:22 writing 4:22 written 3:16 4:11 28:2 33:12 www.regulations.g... 4:12
<hr/>			
V			
<hr/>			
V 7:4,7 vast 6:17 verbal 5:15 33:10 verbally 4:20 vessel 6:23 14:22 25:9,21,24 28:21 31:9,21 vessels 8:9,10 23:25 26:3 28:23 29:22 31:16 vibrate 3:8 Vice 28:15 viewing 5:4 Vince 2:3 5:24 13:4 Vincent 3:3 visited 33:6 voluntary 21:21 23:24 24:19 31:9,12 32:1			
<hr/>			
W			
<hr/>			
want 5:12 14:11 22:9 24:25 25:23 31:20 33:3 wanted 6:8 20:19,23 21:21,24 23:25 warm 6:3 washdown 29:2,4 31:3 32:22 washed 29:24 31:13 water 15:25 24:6 waters 7:11,13 8:11 25:10 way 16:1,24 weather 6:3			
<hr/>			
Y			
<hr/>			
year 30:13 years 22:9 25:7 30:12 32:3,4			
<hr/>			
Z			
<hr/>			
zero 12:6 17:20 20:24 21:8 zones 19:24 31:5			
<hr/>			
\$			
<hr/>			
\$35 21:10 \$51 21:9			
<hr/>			
0			
<hr/>			
0.0006 29:25			
<hr/>			
1			
<hr/>			
1:06 1:18 1:45 33:16 104 28:23 1375 1:15 15 30:13 151 8:13 151.66 7:12 16 28:22 165 29:23 17 1:9 17th 1:17 1852 32:8 1892 32:8			

1900 32:10**1950** 30:15**1969** 10:14**1993** 7:19**1995** 8:2**1997** 8:3**1998** 8:15

2

2.2 32:12**2000** 8:19**2004** 8:19,23 9:12**2006** 12:2,10**2007** 28:23**2008** 1:9,18 34:17**2012** 34:24**22nd** 4:8 13:5**23rd** 13:4**24th** 34:17**28(D)** 34:15

3

30 13:14 34:24**33** 7:12 8:13

4

4.1 32:11

5

50 30:16**500** 29:24

6

60 13:3**63** 28:22

7

7.1 32:10